

THE ROLE OF THE EUROPEAN UNION AT THE UNITED NATIONS HUMAN RIGHTS COUNCIL

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Academic Dissertation

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Abstract

This dissertation studies the EU's normative power role at the Human Rights Council (HRC), which is the key UN body in the field of human rights. The EU has proclaimed an active and visible role in the HRC as an important part of its external human rights agenda. However, the EU's normative ambitions face challenges; other actors are not necessarily willing to accept the EU's role claims and deliver competing human right positions. In this respect, the HRC provides an interesting case for studying the recognition of the EU's normative power role in practice.

The first two chapters present the theoretical, conceptual and methodological background of this dissertation. In particular, the EU role as a normative power is examined by combining it with role theory. As a consequence, the normative power role is seen as being closely related to the EU's own role conception or self-image. According to this self-perception, the EU claims to act as a "force for good" in global politics by promoting universal norms and standards through non-coercive measures. The EU is also seen to differ from other actors. However, as the EU's ambitious role claims do not necessarily correspond with its actual behaviour, the normative power role is better understood as an ideal-type. The EU's acts can more or less approximate this ideal in external human rights promotion. Because the normative power role is a highly Eurocentric notion and the debate is conducted mainly by European scholars, the alter side of this role is needed. Role theory enables a more critical approach to the normative power role by also directing attention to the EU's role performance and external perceptions of this role among different others.

The EU's normative power role claims are especially evident in its external human rights promotion. Hence, this dissertation concentrates on examining the EU's role in global human rights governance. Chapter 3 demonstrates how domestic, regional and international factors have facilitated the development of the EU's role in this field. The normative power role draws attention to the EU definition of human rights and to the instruments it uses in human rights promotion. In order to be a normative power, the EU should also be able to achieve normative changes in others. In this respect the EU faces challenges, which become evident in the UN human rights machinery. Chapter 4 presents the UN Human Rights Council and the legal-institutional and political preconditions for EU participation therein. It demonstrates how the HRC is a case of "inconvenient multilateralism" for the EU, as the EU needs to balance between its normative commitments and multilateral preferences.

The EU's normative power self-image and the coherence of this role are often taken for granted. However, an actor's role conceptions are rarely homogenous. Chapter 5 examines the self-perception of the EU at the HRC through official EU documents and statements. Furthermore, 23 theme interviews were conducted in 2013-2014 with the EEAS and EU member state human rights experts in Geneva and Brussels to reveal a more unofficial EU self-perception. The findings demonstrate that the official image underlines the EU role as a defender of universal human rights principles, a supporter and contributor to the UN, and a partner for others. Furthermore, the EU's role has remained rather unchanged since the establishment of the HRC (2006). The policy practitioners' views also supported the EU's normative power self-image; the EU was perceived, for example, as a promoter

and defender of universal norms, a leader through its own example, and different from other actors. As a conclusion, the EU's self-perception at the HRC confirms the normative power role image, even if the limitations for practicing such a role at the HRC are acknowledged. This normative power self-perception is also shared among different EU actors.

The EU's performance at the HRC has a key role in legitimizing its role claims as a normative power. Role performance refers to the actual behaviour of the EU, and it often differs from both ego and alter role expectations. Evaluating EU performance in different international organizations is important, but a demanding task because of its complex actorness. Chapter 6 examines EU performance along the lines of relevance, effectiveness, resource viability, and efficiency. These elements are able to capture the EU's success in relation to both HRC processes and outcomes. According to HRC participants, the EU has high relevance internally and externally, which provides legitimacy for EU participation. Effectiveness reflects the outcomes the EU has been able to achieve and can be studied through different measures. According to the data, the EU has succeeded in being internally effective and coherent, and has shown considerable external effectiveness through delivering statements and adopted resolutions. In this respect, EU records match well with its ambitious role claims. However, the EU's ability to contribute to the effectiveness of the HRC, as well as its efficiency, remains only moderate. With its enormous resources, the EU would have the potential for much more. The EU's inefficiency is related to its heavy internal dynamics, but also largely on external conditions.

Chapter seven studies the external perceptions of the EU role at the HRC through 40 semi-structured interviews conducted in 2013-2014. The views of external others are able to outline the alter side of the EU's role. Studied external others include other UN member states, human rights organizations, and HRC Secretary Staff. States are classified into groups, such as EU allies, Moderates, Developing states, and EU opponents by taking into account their norm consistency with the EU and voting behaviour at the UN. The findings point to variable recognition of the EU's normative power role. The EU is seen as an important example that supports universal principles and the UN. The EU is also seen to prefer non-coercive measures against other actors. However, the EU's leadership is considered to be only issue-specific and the normative power image generally suffers from several inconsistencies. The EU's different approach is especially apparent when it is compared with the US. As a conclusion, the EU's normative power role is only partly recognized among its others, which gives reasons to reconsider the legitimacy of the normative power role.

This dissertation provides an alternative approach to the EU's role as a normative power. The theoretical framework underlines how the EU's roles in the world should be studied by taking into account not only the EU's own role aspirations, but also its role performance and the alter side of these roles. The most valuable and interesting contribution of this thesis is the research interviews concerning internal and external perception of the EU role as a normative power. In general, the empirical chapters provide a comprehensive and detailed picture of the EU role in one particular institutional context, the UN Human Rights Council.

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Abbreviations

ACP	African, Caribbean and Pacific
AI	Amnesty International
AU	African Union
CEEC	Central and Eastern European Countries
CFSP	Common Foreign and Security Policy
CHR	United Nations Commission on Human Rights
CoE	Council of Europe
COHOM	European Council's Human Rights Working Group
DPRK	Democratic People's Republic of Korea
DRC	Democratic Republic of Congo
EC	European Community
ECOSOC	United Nations Economic and Social Council
ECtHR	European Court of Human Rights
EEAS	European External Action Service
EIDHR	European Initiative for Democracy and Human Rights
EP	European Parliament (EU)
EPC	European Political Cooperation
ESDP	European Security and Defence Policy
ESS	European Security Strategy
EU	European Union
EUMS	European Union Member State
FoRB	Freedom of Religion and Belief
FRA	EU Agency for Fundamental Rights
FREMP	Council of the European Union's Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons
GA	United Nations General Assembly
GRULAC	Group of Latin American and Caribbean Countries
HRC	United Nations Human Rights Council
HRCS	Human Rights Country Strategies
HRW	Human Rights Watch
HR/VP	High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission
ICC	International Criminal Court
IO	International Organization
IR	International Relations
ISHR	International Service for Human Rights
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MEP	Member of European Parliament
NAM	Non-Aligned Movement
NGO	Non-Governmental Organization

NPE	Normative Power Europe
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organization for Islamic Cooperation
OSCE	Organization for Security and Cooperation in Europe
SC	United Nations Security Council
SPHR	Special Representative on Human Rights
UDHR	Universal Declaration of Human Rights
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UPR	Universal Periodic Review
US	United States of America
WEOG	Western European and Others Group

Introduction

The European Union is founded on a shared determination to promote peace and stability and to build a world founded on respect for human rights, democracy and the rule of law. These principles underpin all aspects of the internal and external policies of the European Union.¹

This thesis studies the role of the European Union (EU) in the global governance of human rights, more particularly at the United Nations Human Rights Council (HRC). The main idea is to link the theoretical discussion concerning the EU's role as a normative power to a particular policy domain and institutional context. Role conceptions are beneficial in explaining why actors act in a particular manner. In this thesis, the normative power role of the EU is used as a theoretical starting point for understanding the EU's ambitions and actions, but also the challenges it faces in its norm promotion. The normative power role emphasizes the importance of values and principles in the EU's external action, and serves as an important source of legitimacy. Foreign policy actors frequently refer to values, images of the world and principles that are used to characterise the EU and provide the basis for its role in the world². In this debate, the protection and promotion of human rights has central place. Human rights have formed an essential part of EU identity since the 1990s. The proclaimed strong commitment to a set of core values is also considered to make the EU an exceptional global actor, especially because it shows the willingness to bind its power through international law and institutions³. The EU's emphasis on effective multilateralism⁴, both as a means and an end, is interpreted to reflect its normativity in global politics. However, as this thesis claims, the EU's role is not solely dependent on the EU's intentions to construct a certain kind of self-image. The actual behaviour of the EU, its role performance, is highly consequential in constituting the EU's role in the world. It also needs to be acknowledged that the EU's actual performance does not necessarily correspond with its ambitious role claims⁵. A notable gap may exist between the EU's own role conception and other actors' perceptions of it⁶. If the EU aims to carry a normative power role, this role should also be recognized by external audiences and different EU partners. Hence, this thesis studies all these three aspects of the EU's role; self-image, role performance, and external perceptions.

The EU as a Global Actor

When the global role of the EU is studied, first it needs to be outlined what is meant by EU actorness and who acts in the name of the EU. The EU is complex and multi-faceted political entity, and its agency may refer to the agency of EU institutions, but also includes the cooperated actions of individual EU member states (EUMS). It is also likely that there are differing views concerning the EU's appropriate global role, as role conceptions reflect various political preferences and power

¹ Council of the European Union 2012.

² Lucarelli 2006, 2-3.

³ Diez 2005, 636.

⁴ Stated in European Security Strategy (ESS): *A Secure Europe in a Better World* (2003), see Biscop & Gibney 2010.

⁵ See Balfour 2012, Elgström & Smith 2006b, 248.

⁶ Lucarelli & Fioramonti 2010; Lucarelli 2013.

relations. Secondly, the EU's global actorness is a relatively recent phenomena; it started to develop properly only after the Cold War. The new situation included many opportunities, but also demands for a more active EU role in the world. After the Maastricht Treaty (1993), the EU quite rapidly developed formidable actorness in several policy areas⁷, as its member states were willing to improve and strengthen the EU's collective clout. Today, the EU is able to act relatively autonomously, for example, in relation to several third actors and in many multilateral institutions. Some have even suggested that it has been the EU rather than its member states that have played a pivotal role in the West's major foreign policy successes of the last decades.⁸ The EU's agency is seldom restricted by its formal status; the EU's control over a significant amount of resources and capabilities in specific fields enables it to be a considerable actor⁹. As a consequence, the EU has acquired relevant global actorness, upon which various role conceptions can be based.

Despite the increased global presence and influence of the EU, it cannot act without the acceptance of its member states. The division of competencies between the EU and its member states is a subject of continuous dispute, and sometimes these tensions can paralyze the EU's ability to respond collectively to some foreign policy challenges¹⁰. For many observers, the fundamental obstacle to EU foreign policy-making is its member states' willingness to pursue their foreign policy interests separately.¹¹ At the same time, it has become increasingly clear that the EU must combine its resources and knowledge in order to also be influential in the future. That is why the Lisbon Treaty aimed to enhance the EU's global visibility, effectiveness and efficiency through the creation of the post of the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP) and the European External Action Service (EEAS). However, the timing of these reforms was not the easiest; the Eurozone crisis has dominated the political agenda, and other concerns have received less attention. The EU must also face a less favourable external environment, where often quite unexpected large-scale changes, such as unrest in the European neighbourhood, migration flows and violent terrorism by ISIS, create strong pressures for a collective EU response.

One of the most important avenues where the EU has aimed to improve its visibility and effectiveness are international organizations (IOs). The EU has aspired to upgrade its status in many organizations to meet the enhanced actor capabilities. The problem is that most of these organizations are created for states, and formal EU participation, such as voting, remains restricted. Legal-institutional as well as political factors precondition the EU's participation and role. The Lisbon treaty was to streamline EU representation in international fora, but representational practices vary in different locations¹².

⁷ See Bretherton & Vogler 2006.

⁸ Cases mentioned include the stabilization of countries in Central and Eastern European countries, as well as the Western Balkans, fighting against piracy in Somalia, the case of Serbia and Kosovo and environmental affairs. (Keukeleire & Delreux 2014, 322).

⁹ These resources are related to the financial instruments of the EU, but also on institutional capacities to work on specific issues, see Gehring et al. 2013, 861.

¹⁰ Most notable failures of the EU include, for example, the inability to end ethnic cleansing in Kosovo, disagreement about the Israel-Palestinian conflict, the political rift between EUMS on the war on Iraq, and more recently, difficulties to deal with the Arab Spring and migration.

¹¹ Smith K. 2008, 10.

¹² Scholars have argued that the impact of the Lisbon Treaty is most significant for the UN General Assembly (Bouchard & Drieskens 2013, 116). However, elsewhere the consequences have not been that direct. The EU needs member states' representation especially in those forums where the EU does not have official status and rights for representation.

Often the EU plays roles alongside its member states, which causes complexity, sometimes, even competition. This is because the EU delegations may conduct important negotiations and present common EU positions on behalf of the member states. However, at the same time, individual member states may also promote their national priorities. The mixed nature of the EU's actorness poses a need to specify what "the EU" means in particular contexts. As this thesis examines the EU's role at the HRC, where both member states and the EU are active participants, it aims to take into account the EU's "multiple voices". Because of divided competencies in human rights issues, maintaining EU coherence and consistency is a real challenge¹³. Externally, the EU aims to appear united and promote common positions. However, acknowledging the different tones inside the EU is relevant in cases where the EU cannot put forward a common position.

Role Theory and the Normative Power Role of the EU

This thesis uses the concepts and ideas developed in role theory to examine the EU's role at the HRC. Role theory is rooted in sociology and social psychology, and its key theoretical promise in International Relations is to bridge agency and structure. Role theory emerged in foreign policy analysis in the 1970s when scholars started to examine the regular behavioural patterns of classes of states in the bipolar Cold War environment¹⁴. However, this early scholarship focused mainly on role taking (ego side), while later on, the different external constraints and possibilities for roles were better acknowledged (alter side). In short, role theory explains foreign policy behaviour by exploring the roles an actor plays in the international system. By definition, roles refer to patterns of expected, appropriate behaviour and they may serve several functions; they classify actors, they influence how actors define their interests, and they shape their policy choices. This thesis claims that an understanding of EU foreign policy roles needs to acknowledge three aspects of roles; the actor's own role perception, its actual role performance, as well as role prescriptions held by other actors. Together these components make up the role bargaining process¹⁵ in which the ego and alter sides of roles interact to determine an appropriate role for the actor. Furthermore, it is necessary to look at the actor's role performance, as it does not necessarily correlate with the role expectations¹⁶. The actor's role performance is influenced by ego and alter expectations, but at the same time it feeds back these expectations.

The concept of a role has become common in the literature dealing with the global activities of the EC/EU. Studies concerning the global role of the EC date back to the 1970s when the European Political Cooperation (EPC) in foreign policy issues was launched. In research literature, the EU role is most often used as a synonym for influence but also as an umbrella concept for more general patterns of EU behaviour. The EC/EU role in the world has often been described in a positive manner. For example in the 1970s the EC was characterized as a "civilian power" or even a "civilizer" of state relations¹⁷. This narrative was considered highly persuasive in defining the future EC role also after

¹³ More recently it has also been contested whether such consistency is actually needed for effective EU action, see for example Delreux 2014.

¹⁴ Harnisch 2011, 7.

¹⁵ See Thies 2013, 2-3.

¹⁶ Aggestam 2006, 20–21.

¹⁷ See Duchêne 1972, 1973.

the Cold War. One of the most popular EU role conceptualizations, *normative power Europe* (NPE) launched by Ian Manners in 2002, was a continuum and reconsideration of this debate. According to Manners, the EU is a normative power in the sense that it has the ability to shape the “normality” of international relations by changing existing norms and standards.¹⁸ This thesis claims that the NPE ideal-type is based on core EU values¹⁹, which are assumed to be universal, and a willingness to adopt non-coercive instruments in EU norm promotion. The NPE thesis has been highly successful in the analysis of EU external relations and has influenced the EU role debate. At the same time, the NPE concept has evoked strong criticism. One of the main reasons for this criticism is that the concept is claimed to be an analytically poor and a politically loaded concept²⁰. However, as this thesis demonstrates, the normative power role concept may be useful in examining the EU role in global human rights promotion. It can be interpreted as a self-image of the EU, which may or may not correspond with its role performance. Furthermore, the recognition and acceptance of the normative power role (alter role) must be examined in the EU’s different others.

Roles are always products of a certain historical time and they reflect the prevailing political realities and circumstances. One of the important functions of the normative power idea was to provide legitimacy for the EU’s developing foreign policy actorness. It was also used to differentiate the EU approach from the approaches of other actors. At the turn of the millennium, the normative power role was constructed especially as an alternative for the US preference for unilateralism. In the European Security Strategy (2003) the EU strongly expressed its commitment to effective multilateralism and the UN. For the EU, saving and reforming, as well as extending the multilateral system constituted a significant new role in international politics.²¹ This was closely related to the idea that the EU would represent some kind of post-Westphalian, post-national political community²², which, instead of narrow national interests, would serve humanity at large by promoting universal principles and normative global governance. Hence, the legitimacy of the EU was constructed by emphasizing the EU’s beneficial contribution to international politics²³. The problem is that the normative power role merely reflects an ideal type, not necessarily the actual EU role as it is, which is typical for self-declared foreign policy roles. Achieving acceptance for such a role in the eyes of others has become an increasingly difficult task for the EU in the changing world.

The EU Role in Human Rights: the Case of the HRC

The EU role in human rights is rather novel; only during the last two decades has the promotion and protection of human rights developed into one of the key issues in EU foreign policy. According to Catherine Ashton, human rights provide “the silver thread that runs through everything the EU does externally”²⁴. The EU promises to actively promote and defend human rights both inside the EU, and

¹⁸ Manners 2002, 239.

¹⁹ According to Manners the main EU values include peace, liberty, democracy, human rights, rule of law, equality, social solidarity, sustainable development and good governance (Manners 2006b, 33-36.)

²⁰ Forsberg 2011a, 1199.

²¹ Jørgensen 2006b, 30.

²² Linklater 1998, 218-219; 2011, 446-447.

²³ See Bickerton 2011.

²⁴ Catherine Ashton upon the adoption of the Strategic Framework and Action Plan on Human Rights and Democracy, 25.6. 2012.

when engaging with different external actors. The external promotion of human rights carries relevance also for the EU's normative power role claims. According to Manners, if the EU aims to be a normative power it should promote normative principles, act in a normative manner, and achieve normative impacts in others²⁵. From this perspective, the EU should promote human rights norms that can also receive the acceptance of the possible norm-takers. The EU's human rights interpretation underlines the universal nature of human rights, as well as the legitimacy of international human rights treaties and bodies. However, in the UN human rights machinery, which the EU sees as an important arena for its normative efforts, the human rights debate is politicized, and finding a common ground on rights is often challenging. In such an environment, the EU's role as a normative power faces challenges, which do not fit with this image.

This thesis studies the EU's normative power role more particularly at the Human Rights Council (HRC), the key UN body in the field of human rights. The HRC is based in Geneva, Switzerland, and it was established in March 2006 to strengthen the promotion and protection of human rights around the globe. The HRC consists of 47 UN member states elected by the General Assembly for a three-year period. Even if the work of the Council has been politicized by strong bloc dynamics, it has also produced important outcomes in the form of resolutions. The HRC provides the most global arena for the human rights debate and hence the EU finds it an important place to search for legitimacy for its human rights positions. The EU has demonstrated its willingness to support and contribute to the work of the HRC already from the beginning. Since 2012²⁶ the EU has also promoted a more strategic approach to human rights and aims to achieve better effectiveness and efficiency in human rights questions, especially in the multilateral fora. This new approach has also had consequences for EU action at the HRC. However, influencing other actors at the HRC is not necessarily an easy task. The EU has a minority position in this global body²⁷, and during the first years of the Council's work the EU had difficulties in achieving success. Despite high ambitions and unity, the EU could reach only moderate results because of the dominance of the non-Western majority. The EU's interpretation of human rights, as well as its persuasiveness in the eyes of others, was put into the test. Should the EU strongly defend its values or should it aim to build bridges and courage multilateral cooperation and solutions? Whatever the EU chooses to do, it will have both positive and negative consequences for its image as a human rights power. This dilemma demonstrates why the HRC is an interesting case for examining the EU's normative power role claims.

Aim and Relevance of the Thesis

This thesis studies the EU's normative power role at the UN Human Rights Council, by taking into account the ego and alter sides of this role, as well as the actual EU role performance. The main research questions are:

²⁵ Manners 2009c, see also Aggestam 2013; Forsberg 2011a.

²⁶ In June 2012 the EU adopted the Strategic Framework for Human Rights and Democracy, which was to present a watershed in the EU's human rights policy. The strategy included an ambitious Action Plan for the following years with focused priorities. In 2015 a revised Action Plan was published and it concentrated on improving EU action in those areas where more development was needed.

²⁷ The EU member states represent only around 15 % of the HRC membership.

- *How can the Normative Power Europe (NPE) idea help to explain the role ambitions, practices and outcomes of the EU's human rights policy?*
- *How does the EU (EU and EUMS) perceive its role at the Human Rights Council?*
- *Does the EU's actual performance at the HRC match with its self-image?*
- *How do other HRC participants perceive the EU's role? Do these perceptions differ from each other and from the self-perception of the EU?*

The HRC celebrates its 10th anniversary year in 2016, and lately it has demonstrated an increasing level of activity. Clearly the EU needs to be involved at the HRC if it aspires to have a normative power role in global human rights governance. The post-Lisbon developments, such as the EU's new Strategic Framework for Human Rights, are in place to increase EU visibility and effectiveness in the multilateral human rights system. These external and internal evolutions give reasons to reconsider and evaluate the EU's role in human rights. However, the roles the EU is able to play in the world are often highly context-dependent and issue-specific. That is why the EU's role needs to be studied by taking into account the specific preconditions for its role-playing in more particular institutional contexts. This thesis concentrates on the case of the HRC and provides interesting new information concerning the EU's role potential and reality. Hence, the most important contribution of this thesis to EU role studies is the empirical data collected through 63 human rights expert interviews in Geneva and Brussels. These interviews demonstrate how the EU role is perceived by EU actors themselves, as well as by its different external others, such as other UN member states, human rights organizations and the HRC Secretary. This information is highly beneficial for a more comprehensive understanding of the EU's human rights role in global environment.

Research Structure

This thesis starts by clarifying the theoretical, conceptual and historical questions related to the EU's global role. Chapter One discusses social constructivism as a meta-theoretical background for EU role research, and explains how the key concepts of this thesis can be understood from these premises. It also presents the methodological choices and research data. Chapter Two studies the EU's global role as a normative power from a conceptual and historical perspective. This chapter develops a more specific framework for analysing the EU's role in global human rights governance. The Normative Power Europe idea has been an influential perspective for studying EU external action. However, using this framework does not mean that it is accepted as a true definition of the EU's role; it is rather used as a critical perspective for EU human rights actorness. Normative power presents an ideal type, which the EU's action may more or less approximate in human rights policy.

Chapter Three introduces how the EU's rather novel role in human rights has been facilitated by global, regional and domestic developments. It also studies the more specific EU definition of human rights, and presents the key EU instruments used in human rights promotion. One of the most important ways through which the EU aims to promote human rights globally is by working through international organizations, such as the UN. The UN Human Rights Council is an important area for the EU's norm diffusion and norm export. The chapter concludes by discussing the relevance of the normative power role formulation for the EU's human rights policy as well as the challenges this role faces in global context. Chapter Four introduces the HRC and explains how it works. It also presents

the main preconditions for the EU's role in this forum. Evidently, the legal-institutional factors, related to EU internal dynamics and the external UN context, condition the roles the EU is able to play. Even if the EU member states have agreed to speak with one voice at the HRC, domestic politics influences EU cooperation and its ability to produce outcomes. However, external political conditions set the most demanding conditions for the EU's role at the HRC. As a political forum, the HRC suffers from the politicization of issues and bloc dynamics.

The empirical part of the thesis studies the EU's role from three perspectives; self-conception, role performance and external perceptions. First, Chapter Five studies the self-perception (ego part of role) of the EU through official documents such as EU human rights reports and HRC related statements. In addition, 23 theme-based interviews were conducted with EEAS staff members (in Brussels and Geneva) and with EU member state human rights experts working in their national delegations in Geneva in 2013-2014. The collected data can be used to show how different aspects of the normative power role are reflected in EU role conception. Chapter Six studies the EU's role performance at the HRC along the lines of relevance, effectiveness, resource viability and efficiency. Previous research on the EU's role at the UN human rights machinery has concentrated on EU voting records, but as this chapter notes, such a perspective cannot capture the entire picture of the EU's performance. Chapter Six adopts a wider evaluation perspective and demonstrates the EU's performance at the HRC through interviews and different EU performance records. Because the EU's role and performance is highly dependent on how other actors perceive it, Chapter Seven studies external perceptions of the EU's role (alter side of role) in the HRC. It is based on 40 semi-structured theme interviews conducted among the representatives of third states, human rights organization and the UN Secretary in 2013-2014. The perceptions of others are studied through classifying actors into six groups following their normative closeness to the EU, and by taking into account their voting behaviour at the HRC. Together, these external perceptions are able to provide important information on the alter side of the EU's human rights role. They also have direct practical relevance for EU action, as others' perceptions shape the EU's possibilities to play roles and achieve outcomes in multilateral fora.

All chapters end with short conclusions. However, in Chapter Eight more general conclusions for the main research questions are provided. Chapter Eight also points to a reconsideration of the EU's role as a normative power at the HRC. The thesis concludes by providing three future role scenarios for the EU at the HRC, based on the interview material.

1 Theoretical and Conceptual Framework

The philosophy of social science offers interesting insights for studying the global role of the European Union. These philosophical questions are often described as *meta-theoretical* debates in International Relations (IR), and not all researchers are convinced of their relevance for practical research. However, all research is based on some meta-theoretical background assumptions concerning ontological, epistemological, and methodological questions. These concerns are not just abstract philosophical deliberations; they have an impact on how a researcher perceives the world and the objects of her research. Metatheory also guides the interpretation of concepts and the selection of methods, as well as what sort of analysis will follow. These choices together make up the more general framework for the research and position it into the wider research tradition. This chapter introduces the theoretical foundations of this thesis, clarifies the key concepts used, and introduces the methodological choices and the research data.

The theoretical challenge of this thesis is to study the EU, an ontologically highly complex political entity. Even if the *sui generis* nature of the EU is often exaggerated, in practice European integration has created a need to reconsider many traditional assumptions and concepts of IR. EU integration has worked against the predominant realist view²⁸, which emphasizes the state-centric and anarchical nature of the international system²⁹. Like many other efforts to understand the EU, this thesis also starts from a social constructivist perspective. First, this chapter explains what social constructivism entails. Especially European foreign policy seems to be an ideal case for showing the potential of the rich toolbox of constructivism³⁰. The second section clarifies the key concepts of this thesis, such as agency, identity, roles, norms, interests and power, from a constructivist viewpoint. The last part explains how the theoretical framework guides the empirical research on the EU's role at the UN Human Rights Council. The social constructivist approach is open to a variety of methodological strategies and research data. Different methods can reveal different aspects of reality and they should be chosen on the basis of their appropriateness. This thesis focuses on both, statistical data and the subjective perceptions of the EU role among EU and non-EU policy makers. These perceptions are studied through semi-structured interviews, the details of which are explained in the last section.

1.1 Social Constructivism

For research that concentrates on ideational factors such as identities, roles and norms, the choice of constructivism as a background theory is natural because it emphasizes the relevance of cognitive processes and non-material factors. However, constructivism has many meanings and it can be used in several ways. Social constructivism is not an actual IR theory, but a wider meta-theory, and it provides help mainly in ontological, epistemological and methodological questions. It also allows conceptual and meta-theoretical pluralism, and there is no common view on how to proceed with the approach. Most importantly, constructivism is able to challenge the rationalist assumptions and

²⁸ As foreign policy lies at the heart of national sovereignty, it was assumed that states will not integrate in this field.

²⁹ It took a long time for European integration and the EU to be included in the IR textbooks. The introductory books lacked the concepts of integration and the EU as late as in the middle of the 1990s. See Ojanen 2007, 53-54.

³⁰ Jørgensen 2004, 13.

highlight alternative aspects of the integration process; policy formation through rules and norms, the transformation of identities, the role of ideas and the uses of language³¹. This section sheds light on the analytical insights provided by constructivism.

Since 1945, political realism has been the dominant theory of International Relations. The different versions of realism³² underline the importance of material factors and the centrality of power considerations. Constructivism can be considered as an idealist answer to the realist dominance in IR in many senses. Ontologically it has challenged the predominance of materialism by giving more emphasis on ideational factors. For a prominent constructivist, Alexander Wendt, constructivism is a kind of “structural idealism”, where structures of human association are determined primarily by shared ideas rather than material forces. According to him, these structures have emergent powers that are not reducible to individuals.³³ Constructivist thinking gained popularity in the 1990s after the end of the Cold War. The mainstream IR, neo-realist and neoliberal theories, had difficulties in explaining those more systemic, especially ideological, changes which were taking place. Constructivism was tailor-made for the period when debates about identities and the effects of normative structures³⁴ on world politics were increasingly raised. A constructivist perspective of agency as an active shaper of history was an important reason for applying its tools in the IR field³⁵. This period marked the “constructivist turn” in IR³⁶, and the debate between rationalists and constructivists was central in the discipline.

As a meta-theory, social constructivism can take several forms, and there is a lack of clear definition what this analytical approach more closely includes³⁷. Still, certain core commitments form a distinctive theoretical approach to IR. From an ontological point of view, all constructivists share a critique of the static material and individualistic assumptions³⁸ of traditional IR theory. For the constructivist, social reality is socially constructed and there is a fundamental distinction between “brute facts” about the world, and “social facts”, which depend for their existence on socially established conventions. Things like money, sovereignty and rights have no material reality, but they exist only because some people collectively believe in them and act accordingly³⁹. Constructivists do not deny the existence of an independent reality of material objects, and many of them have adopted a scientific realist⁴⁰ perspective according to which underlying reality provides the conditions of

³¹ Christiansen et al. 2001b, 12.

³² For example Classical, neo-, and structural realism.

³³ Wendt 1999, 1.

³⁴ Normative structure refers to collectively held ideas such as knowledge, rules, beliefs, and norms that not only constrain actors but also construct categories of meaning, constitute identities and interests, and define standards of appropriate behaviour. (See Barnett 2011, 163)

³⁵ Ruggie 1998, 878.

³⁶ Checkel 1998.

³⁷ Brown & Ainley 2009, 48; Zehfuss 2002, 3.

³⁸ Material structures that were considered to constrain behaviour according to neo-realists and neo-liberals include the distribution of power, technology and geography. Individualist ontology of previous rationalist IR theory see the individual (human or state) as the basic unit of analysis.

³⁹ Finnemore & Sikkink 2001, 393.

⁴⁰ Critical realism is a philosophy for the social sciences that was born as a critique of the positivist approach, which had dominated many of the social sciences since the 1930s. Critical realism is mainly associated with the British philosopher Roy Bhaskar. Common to all critical realist views is the combination of ontological realism, epistemological relativism and judgemental rationalism. Critical realism is thus a philosophical position, not an

possibility for actual events and experienced phenomena⁴¹. However, constructivists are more concerned with human consciousness and on how actors interpret their material reality. Thus, social phenomena, such as norms, rules, institutions, and discourses, are a product of human interaction and sharing of meanings. Social reality is constantly under change, and people have a role in the construction of their reality. We live in “a world of our making” as the man who coined the term “constructivism”, Nicholas Onuf, argued in his famous book in 1989⁴². Because social facts exist only due to the meaning and value people attribute to them, social realities are fragile, changeable and contestable. Furthermore, social realities seem to have a more local than global presence, and also a limited timeframe.⁴³ At the same time, these realities may also be relatively durable and difficult to change.

For the constructivist, the processes of interaction between agency and structure are essential in understanding social reality. According to constructivists, structures are not about distributing material capabilities, but about distributing ideas. Structures not only constrain; they are also able to constitute the identity and interests of actors. At the same time, actors aim to shape the underlying structures through their actions. This co-constitution of agents and structures is a key aspect of the constructivist approach and cannot be claimed to be “ontologically primitive”⁴⁴. Another relevant concept is contextualization, which refers to the fact that actors are always embedded in social structures; they act as “social agents”. Structures have both normative and instrumental dimensions and they express not only individual, but also collective intentionality⁴⁵. Furthermore, these structures are fundamentally historically and culturally bound, and help individuals construct and give meaning to reality.⁴⁶ Sometimes structures make actors behave against their externally perceived interests. The interests of actors cannot be established purely exogenously, or be deduced from some material structure⁴⁷. Social institutions have a constitutive effect on actors’ identities and define the rules of the game and actors cannot be analysed without reference to the social structures in which they are embedded. Hence, according to constructivists, actors are guided by the logic of appropriateness; they try to do what is right rather than instrumentally maximise their interests. This challenges the rationalist logic of consequences. Much of the early constructivist empirical research concentrated on showing how different norms matter and emphasized the ways in which ideas and norms run counter to, or undermine conventional conceptions of strong state interests. Norms were seen to have constitutive effects as they reshape an actor’s identities and interests. What is then considered rational is a function of legitimacy, defined by shared values and norms within institutions or other social structures. Here constructivist approaches come close to sociological institutionalism⁴⁸, an approach used for explaining features in European integration.

independent theory of the IR, and as such it produces second-order, conceptual and meta-theoretical claims to the study of IR. For a good introduction to key ideas of critical realism, see Patomäki 2002.

⁴¹ Patomäki & Wight 2000, 221.

⁴² Onuf 1989.

⁴³ Christiansen et al. 2001b, 3.

⁴⁴ Checkel 1998, 326.

⁴⁵ Saurugger 2014, 146.

⁴⁶ Barnett 2011, 155.

⁴⁷ Saurugger 2014, 147.

⁴⁸ According to sociological institutionalism individual behaviour is shaped by structural conditions created by the social, cultural and institutional climate.

In epistemological terms, the breach between constructivism and traditional IR theory is not necessarily vast. There is no common epistemological ground for constructivists, and they disagree on whether the constructivist ontology is compatible with a rationalist epistemology. More rationalist approaches are associated with a positivist and explanatory perspective to IR theory and research.⁴⁹ At the same time, post-positivist approaches reject the idea of testing hypotheses altogether⁵⁰. Hence, social constructivism occupies a position between rationalist and reflectivist approaches⁵¹, or different constructivists occupy different positions along the continuum between these two extreme poles⁵². Many constructivists have been closer to rationalism or synthesized these views⁵³. Especially so-called “conventional constructivists”⁵⁴ or modernist/neo-classical constructivists⁵⁵ have not rejected the basic assumptions of positivist science, and by accepting positivist epistemology they have gained considerable legitimacy within the discipline.⁵⁶ The more post-positivist constructivists, interpretative constructivists, explore the role of language in conditioning, mediating and constructing social reality. The focus is on the meanings of different concepts, and how they change when discourses evolve and cognitive frames transform. The third group of scholars, critical/radical constructivists, maintain the linguistic focus but add an explicitly normative dimension by probing a researcher’s own implication in the reproduction of the identities and world under study. Discourse theoretical methods put emphasis on the power and domination inherent in language and aim to comment on what should be done instead of just describing facts. A better understanding of the mechanisms behind political and social orders can lead to emancipation.

A few constructivists⁵⁷ have developed their epistemological views further by following critical realism and its epistemological relativism. According to critical realism, there is no guarantee that our knowledge corresponds to the way things actually are⁵⁸. Critical realists think that the world cannot be reduced to the knowledge we have of it. Instead, they advocate the primacy of ontology, and argue for a reality comprised of different levels; the real, the actual and the empirical. Rationalists believe that the reality is just what can be known of it, mainly through empirical methods. However, empirical observations can only reveal the surface of things. Also conceptual analysis and theoretical abstraction are needed to notice the unobservable structures, powers and mechanisms which provide the conditions of possibility for actual events and perceived phenomena⁵⁹. Different methods are able to capture different aspects of reality, and should be used on the basis of their appropriateness. According to judgemental rationalism, some explanations are better as they are able to explain what happens in the world. The ideas of critical realism have influenced this thesis. Epistemologically it aims to provide different explanations for the EU’s role but at the same time acknowledges the underlying power structures and mechanisms, which create and sustain them.

⁴⁹ Kurki & Wight 2010, 24-25.

⁵⁰ Saurugger 2014, 145.

⁵¹ For example critical theory, poststructuralism, different forms of feminism. Reflectivism foregrounds the non-neutrality of political and social explanation and rejects rational choice assumptions.

⁵² Christiansen et al. 2001b, 9-10.

⁵³ Zehfuss 2002, 5.

⁵⁴ Conventional constructivists have been inspired by the work of Alexander Wendt.

⁵⁵ Ruggie 1998, 881.

⁵⁶ Checkel 2005 & Fierke 2010, 183-184.

⁵⁷ Most notably Wendt, but he has also been criticized for not going far enough from positivist assumptions.

⁵⁸ Joseph 2014.

⁵⁹ Patomäki & Wight 2000.

1.2 Key Concepts

Constructivist approaches have become popular in EU studies, especially since the turn of the millennium. Constructivism is often classified in EU textbooks amidst critical perspectives⁶⁰ because it challenges the rationalist background assumptions of dominant integration theories⁶¹. More rationalist theories underline how the motivation to integrate derives from the benefits it brings for states. For the constructivist, European integration is a large scale process of community formation, where ideational factors, such as world-views, ideas, norms, identities and values play a prominent role. This constructivist focus is also reflected in the analysis of EU foreign policy. However, relations between the concepts of *actorness*, *identity*, *role* and *power* are rather ambiguous in the debate. Understanding the EU as an actor that may adopt foreign policy roles is already a challenge for traditional IR theories. The EU's actorness in foreign policy is multifaceted and the EU as such is not always recognized as a proper actor. In order to carry a role in a particular policy area, the EU must be able to show actorness. Furthermore, *coherence* and *consistency* are often considered important component parts of EU *credibility*, for example in multilateral negotiations. Secondly, the EU's complex nature makes it important to look at the notion of *European identity* in order to understand the self-perception of the EU. This self-perception forms the ego part of the wider *role* of the EU. However, the EU cannot only adopt some roles; it needs to form these roles in interaction with other actors. Thirdly, actor's roles are related to *interests*, *norms*, *values* and *power relations*. This section clarifies these key concepts, and sketches out a framework for role analysis applicable to EU human rights policy.

EU Actorness

The first conceptual challenge is how the EU should be defined as a global actor – an entity that is capable of agency, for example, of formulating and acting upon decisions⁶². EU agency has been contested because it is neither a state, nor an intergovernmental organization, but an actor *sui generis*. However, the EU's uniqueness is often exaggerated which has led to the insulation of the EU from wider IR themes and from comparisons with other powers⁶³. The focus on actorness has also shifted the focus from the EU's actual impact on world affairs. Theoretically the EU's global actorness can be approached by looking at different criteria of actorness. Most of the early contributions in the 1970s⁶⁴ concentrated on the state-like properties of the EC, which were not able to capture the complex reality of EU actorness. In the 1990s, Jupille and Caporaso aimed to show the EU's considerable potential to influence by setting out four more general requirements for EU actorness; *recognition*, *authority*, *autonomy* and *cohesion*⁶⁵. Bretherton and Vogler⁶⁶ also studied EU actorness in a similar manner through the interconnected criteria of *opportunity*, *presence* and *capability*. These criteria emphasize, in a constructivist manner, the interaction between behavioural and structural components of actorness. On the internal side, EU actorness would demand, for example, shared

⁶⁰ See Bache et al. 2015, 63.

⁶¹ Namely functionalism, neofunctionalism, intergovernmentalism, but also versions of multi-level governance.

⁶² Different definitions of agency and actorness, see Bretherton & Vogler 2006, chapter 1.

⁶³ Niemann & Bretherton 2013, 263.

⁶⁴ Sjöstedt 1977, Galtung 1973.

⁶⁵ Jupille & Caporaso 1998, 214-219.

⁶⁶ See Bretherton & Vogler 1999, 2006, 2009, 2013.

commitment to a set of values, domestic legitimization of political choices, and the abilities to form common priorities and policies. Also the availability and capacity to utilize different policy instruments, such as finance, institutions, military or economic tools, is essential in order to claim actorness. At the same time, it needs to be noted that these criteria of actorness can be fulfilled better in some policy areas, whereas in others the EU does not necessarily appear as a relevant actor. The EU's actorness is closely related to EU authority or legal competences to act, and to its autonomy in relation to member states.

The research on the EU's global actorness has concentrated on studying the evolving internal conditions and possibilities. The most important precondition for the EU's global actorness is its member states' willingness to act together, share resources and deliver a unified message. Only through such collective appearance can the EU be recognized as a relevant actor. Even if, over the years, the level of ambition to speak with "one voice" in foreign affairs has steadily increased, also adverse tendencies are possible⁶⁷. The complex distribution of competencies and representation may diminish the EU's global actorness and credibility in the eyes of other actors. The EU has succeeded to claim actorness in those fields where member states have agreed on values, goals, tactics and preferable outcomes. The particular challenges related to the EU's actorness can be captured by the concepts of *consistency* and *coherence*. From a political perspective these concepts do not differ much as both point in the direction of co-ordinated activities with the objective of ensuring that the EU speaks with a single voice⁶⁸. The demands of consistency are related to several issues; consistency between member states, EU institutions, EU and the member states' policies and different policy areas⁶⁹. Bretherton and Vogler use the notion of coherence to refer to the internal policy processes of the Union, and to the wider possibilities to find positive synergies between foreign policies in different policy and issues areas⁷⁰. The EU's consistency problems have been approached through institutional reforms, which are thought to alleviate inconsistencies gradually⁷¹. However, for a hybrid and complex entity such as the EU, consistency/coherence present ideals that cannot be completely achieved. Improved consistency between words and deeds as well as over time are essential elements of the EU's *credibility*. Actors who are able to show that they carry out announced policies will be trusted. Building credibility will take time, as other actors may not be easily convinced. It is still worth the efforts, as credibility is central to the effectiveness of policy.

On the external side of actorness, opportunity refers to the structural context of action, ideas and events which frame and shape EU action⁷². Opportunities may include external conditions such as institutional rules, Cold War realities, wars, or crisis. This thesis notes the high relevance of external

⁶⁷ These processes may be called the Europeanisation/nationalisation of foreign policy. Recently, the pace of integration in foreign policy has decelerated and more flexibility has been accepted. For example different open methods of coordination (OMC) make possible non-uniform integration processes (so called differentiated integration, multi-speed Europe or 'à la carte' integration). The idea is that states select those policy areas where they wish to cooperate with other EUMS and jointly set objectives, measurement criteria and benchmarking practices.

⁶⁸ Duke 1999, 3. These concepts are also used interchangeably, even if consistency is the word used in English EU treaty versions.

⁶⁹ Different forms include for example interstate, institutional, horizontal and vertical consistency, see Keukeleire & MacNaughtan 2008, 121-123; Duke 1999, 11-12; Portela & Raube 2012, 3-4.

⁷⁰ Bretherton & Vogler 2009, 35.

⁷¹ For these institutional developments, see Portela & Raube 2012, 7-10.

⁷² Bretherton & Vogler 2006, 23-25.

factors in constituting EU actorness. First of all, actors need recognition from other actors as an essential condition for their actorness. *De jure recognition* refers to diplomatic recognition under international law or to formal membership of international organizations. The EU's *de jure* recognition depends on the context and, for example, in many state-centric IOs such recognition is still missing. However, this has not prevented research on EU action in different institutional frameworks, and as Koops notes, research on the EU in global affairs has undergone somewhat of an "inter-organizational turn"⁷³. As the conditions for EU participation differ, these studies must take into account the specific institutional framework and avoid simple generalizations⁷⁴. Hence, the EU-IO research relies heavily on a wide range of case studies, often driven by practical concerns.⁷⁵ According to these studies, the EU's capability to act as well as its external recognition depends on its control over governance resources, and the formal or legal status is not that relevant⁷⁶. *De facto recognition* deals with the actual third party engagement with the EU. Do external others, for example, negotiate directly with the EU or do they prefer negotiations with its member states? Is the EU perceived as a relevant actor and does its message carry relevance in the eyes of other participants? In this respect the focus should be on how the EU is perceived in different bilateral and multilateral contexts. Interest in studying external perceptions of the EU has increased,⁷⁷ producing information on how the EU is seen from the outside. According to these studies, *de facto* recognition of the EU is often higher than its legal status would suggest. However, perceptions of the EU differ in different contexts and also geographically, which makes it impossible to make broad generalizations. Furthermore, external conditions may change and alter the opportunities of the EU. These issues suggest that more context-related studies are needed to explain the windows of opportunity for EU actorness.

European Identity

Another important concept related to the EU's global actorness and role research is identity. Identity aims to answer to the questions "Who am I?" and "Who am I in relation to others?" In this sense, there is always some pre-existing identity with which the actor enters into interaction with others. Traditionally, identities have been perceived as subjective, rooted in an actor's self-understanding⁷⁸. However, the meaning of those understandings depends on whether others perceive the actor in a similar manner. According to constructivists, identities are social constructions reflecting shared understandings about the essential nature of an entity⁷⁹. Different identity discourses related to the EU may focus on the construction of a collective European identity, the reconstruction of national identities under the integration conditions, or whether a common European political culture can be founded on this heterogeneity of national identities and cultures⁸⁰. For the EU, identity can be seen as an important source of its foreign policy roles⁸¹. This is because the actor's identity generates broad

⁷³ Koops 2013, 71.

⁷⁴ Kissack 2010, 5.

⁷⁵ Koops 2013, 71.

⁷⁶ Gehring et al. 2013, 861.

⁷⁷ See Lucarelli 2013.

⁷⁸ The concepts of identity, self-understanding and self-image are used here interchangeably.

⁷⁹ Bretherton & Vogler 2006, 36.

⁸⁰ Christiansen et al. 2001b, 14.

⁸¹ Aggestam 2006, 21.

expectations, which limit the range of roles available. It also creates a broader context for how these roles are played out in practice.

European identity is a form of social or collective identity⁸² that relates individuals to social groups that are not pre-socially given. According to Delanty and Rumford, collective identities do not necessarily differ theoretically much from national identities⁸³. They may contain specific substances based on common fate, history and culture, but they also create emotional attachments, such as feeling of loyalty. The European identity does not necessarily undermine the relevance of national or local identities; in many cases it is only complementary to them⁸⁴. Multiple and contested identities live side by side in Europe and this diversity may even be taken to form the core of European identity⁸⁵. From a constructivist perspective, European identity can be understood with reference to a discourse in which competing identity claims are worked out. Risse makes a beneficial distinction between subjects and objects of identification, referring to who identifies with whom or what⁸⁶. Following this view two competing visions of positive inclusive and negative exclusive European identity can be defined. The inclusive identity reflects the EU's value-basis and perceives outsiders as more or less European, while the exclusive identity draws boundaries and sees others as non-European, or even alien.⁸⁷ Populist conceptions draw from cultural and ethnic interpretation of identities, and they are increasingly used by Eurosceptical and nationalist parties around Europe.

Another important division can be made between European and EU identity. Here European identity refers predominantly to cultural components of identities, while EU identity is more strictly political⁸⁸. Political identity refers to the identification of citizens with particular political institutions, or even of sharing common experiences of decision-making. In this respect, political identity is closely related to political legitimacy. Only when Europeans think that ultimate issues should be made within the new polity instead of national level, can a new polity reach acceptance. Hence, the legitimacy issue remains open in the EU, and it is dependent on incomplete political identity. Even if political identity does not necessarily assume inescapable path dependence or dominance of the past over what we are now, political identities may benefit from historical achievements. For example the European war-torn past is often used when the EU is defined as a peace project⁸⁹. It is important to notice how in the construction of political EU identity, ideational rather than material foundations have been benefitted. According to Risse, the specific ingredients of EU Europe are values like peace, human rights, rule of law, secularism and cosmopolitanism⁹⁰. However, interpretation of these values, as well as their implementation, differs even inside the EU, which makes them tricky construction material for identities. The contents of political identity may matter a great deal in determining the

⁸² Wendt identifies personal or corporate, type, role and collective identities (Wendt 1992, 224). Collective identities are not necessarily geographic; they can be based on class, gender, religion etc.

⁸³ Delanty & Rumford 2005, 50.

⁸⁴ In general, people in continental Western and Southern Europe (except Greece) feel comparatively more attached to Europe than North Europeans or Central eastern Europeans, see Risse 2010, 41-43 and Fuchs 2011, 60-61.

⁸⁵ Diez 2004, 319. Here the EU slogan "united in diversity" captures the idea.

⁸⁶ Risse 2010, 19.

⁸⁷ Bretherton & Vogler 2006, 35-36.

⁸⁸ Cerutti 2008. There is disagreement whether such political identity is possible without a sense of cultural belonging. For different position see Lucarelli 2011b, 199-200.

⁸⁹ This kind of EU identity was further supported when the 2012 Nobel Peace Prize was awarded to the EU.

⁹⁰ Risse 2010, 52.

character and self-understanding of a political community⁹¹. What actually constitutes such “EU communalities”, around which its collective identity can be built, is a highly contested issue. According to Schmidt, there are at least four basic interpretations of the EU identity; the EU as a borderless problem-solving entity ensuring free markets and regional security, a normative discourse on value-based community, a principled discourse about the EU as a border-free rights-based post-national union, and a strategic discourse about the EU as a global actor ‘doing international relations differently’ through multilateralism, humanitarian aid and peace keeping⁹². These models are partly overlapping and supported by different EU member states and political groups.

It is also important to notice how collective identities are often created through social discourses. For example, key foreign policy speeches frequently contain assertions referring to subjective “we-feelings” of a cultural group.⁹³ There is often a scarcity of internal characteristics that could create strong feelings of unification. Some EU symbols, such as the flag, hymn, EU institution buildings and historical events exist, but these do not create strong feelings of belonging among EU citizens. There may also be stories, related to common past or contemporary being, which are able to create a sense of community, such as the story of a Common Market, Social Europe or European citizenship⁹⁴. Even if identities are not primarily based on exclusion, they do need the distinction between ‘us’ and ‘the others’⁹⁵. According to Patomäki some kind of “othering” is inevitable in the identifying process, as it needs to be specified what “we” are not⁹⁶. Importantly, the temporal othering could work as a “driver of learning” and change for the EU, because the most important other in this respect is the Europe’s own war-torn past⁹⁷. Externally, the EU’s relations with other international actors form relevant sources for identity construction⁹⁸. They help to reflect what the EU aims to represent in a wider context. According to Diez, since the 1990s the geographical and cultural othering has become more visible in the construction of EU identity. The geopoliticised identity discourse is problematic as it is prone to replicate colonial attitudes of supremacy, whilst at the same time omitting the self-reflexivity exhibited in the temporal othering⁹⁹. This may lead to negative representation of others, while the self represents something positive. The EU is seen as a supporter of international norms and institutions, while other actors are challengers or violators of this order and related norms.

EU Role Conceptions

As a foreign policy actor, with different internal characteristics and external possibilities, the EU also aims to take a variety of roles in different policy areas and institutional contexts. In this sense, agency can be seen as a precondition for the possibility of adopting a role. At the same time role analysis is able to deepen the understanding of EU foreign policy agency, as agency includes the performance of different roles. Thus, a role concept may help to explain why an actor acts in a particular manner

⁹¹ Castiglione 2009, 30.

⁹² Schmidt 2010, 17.

⁹³ Aggestam 2004, 83.

⁹⁴ See Eder 2009.

⁹⁵ Cerutti 2008.

⁹⁶ Patomäki 2012b, 248.

⁹⁷ See for example Weaver 1998.

⁹⁸ Checkel and Katzenstein 2009b, 224.

⁹⁹ Diez 2004, 332-333.

in specific issue area. The recognition, or non-recognition, of specific roles by others is reflected in performance problems. The concepts of role and identity are also closely related, as identities steer role-taking processes and available role options. Roles are typically presented as consisting of two parts: of an ego-part and alter part¹⁰⁰. The ego-part of a role refers to the self-perception of the role beholder. Identity is an important source for this ego side of roles, which Wendt calls role identity¹⁰¹ and Holsti national role conception¹⁰². The alter-part of roles consists of external expectations of other actors. Hence, others may not only recognize actorness, but also more specific roles of an actor. In this respect, roles are always ego-alter compositions, which change and evolve over time.

Role theory has remained relatively underdeveloped in IR theory¹⁰³ even if there have been attempts to benefit from its ideas¹⁰⁴. Role theory does not refer to a single theory, but to an approach that begins with the concept of role as central to social life. Role analysis gives a researcher a conceptual toolbox and an opportunity to synthesize various IR traditions¹⁰⁵. Furthermore, many IR scholars have drawn on role theory, even if they have separated their work from it¹⁰⁶. Originally role theory emerged in foreign policy analysis (FPA) in the 1970s by Kalevi Holsti's study¹⁰⁷ of national role conceptions. He borrowed the concept of role from sociology and social psychology, and applied it to analyse the foreign policy behaviour of states. His idea was simple; state leaders have beliefs about the identity of states and these beliefs shape the way states act in the international system. According to Holsti, also the expectations of other governments, international legal norms or even "world opinion" may explain many aspects in the national behaviour of states¹⁰⁸. American role theorists, such as Stephen Walker, advanced more structural understanding of roles, according to which system structure, law and organizations are central for understanding a state's role in the world¹⁰⁹. According to the interactional approach to roles, which also this thesis follows, roles are mutually constituted in interaction between different actors, for example in negotiations¹¹⁰. The relative importance of domestic (ego side) and international factors (alter side) in determining roles in individual cases is a matter of empirical research.

An actor may have numerous roles and role theorists have identified a range of roles possible for states. For example Holsti identified 17 major roles expressed by states including roles such as regional leader, anti-imperialist agent, defender of faith, bridge and faithful ally¹¹¹. Such typologies

¹⁰⁰ Harnisch 2011, 39.

¹⁰¹ Wendt 1999, 224.

¹⁰² Holsti 1970.

¹⁰³ Role theory started to develop in the late 1920s in social psychology, sociology and anthropology, which sought to link the functioning of the social order with the behaviour of the individuals who make it up.

¹⁰⁴ See Harnisch et al. 2011, Thies 2010, Elgström & Smith (eds.) 2006, Aggestam 2006.

¹⁰⁵ Adigbuo 2007, 87-88. Because both FPA and IR scholars are interested in puzzles related to the possibility of agency and the constraints and possibilities posed by structures, role theory is able to integrate these traditions. However, historically FPA scholars have focused more on individual agency (state leaders), while IR and EU scholars have preferred the structural approach (state, system). (Thies & Breuning 2012, 1-2)

¹⁰⁶ For example Wendt (1999).

¹⁰⁷ Holsti 1970: "National role conceptions in the study of foreign policy".

¹⁰⁸ However, he did not incorporate these aspects to his empirical studies, see Holsti 1970, 239 and 243.

¹⁰⁹ Walker 1987, 256. More recently Walker has changed his views and aimed to synthesize systems theories and agent-oriented perspective with the help of role theory, see Walker 2013.

¹¹⁰ See for example Bengtsson 2009, 10-12; Aggestam 2006, 16-17.

¹¹¹ Holsti 1970, 277.

are likely to reflect the political environment of their time, and as such are not necessarily beneficial analytical frames for current EU roles. The EU can play different roles depending on its internal actor capabilities, external conditions but also in relation to issue areas and specific policy and institutional contexts. The focus on one role may be used to provide an explanation for specific foreign policy choices, and an actor's behaviour in an organizational context. Bengtsson and Elgström have distinguished between more general *meta-roles* and *context-specific* roles. Meta-roles, such as the EU's normative great power role, entail expectations of consistent role behaviour across issue areas and/or over time. Context-specific roles create expectations particular to a certain policy area or geographical region.¹¹² How much these two role types coincide in practice depends on particular cases. It is also possible that an actor occupies incompatible roles, which creates contradictory action expectations. The idea of multiple roles is related to an actor's capabilities, but also to role adaptation and change. An actor's possibility to adopt roles is bound by its internal capabilities and by external factors and the behaviour of other actors. According to Harnisch, changes in roles and their enactment comes in two types: adaptation and learning¹¹³. The important question is what actually changes; is change in role conception a move to a new role, or does it merely reflect a greater emphasis of some other, already existing role alternative?¹¹⁴ As ego role conceptions are rather enduring, external factors are often important in explaining role changes.

Previous EU role research has concentrated on the role conceptions promoted by the EU instead of structurally driven expectations of other actors¹¹⁵. This is understandable as the EU can claim roles and seek recognition for them only in those areas where it is able to first show actorness. When the EU member states act in a contradictory manner, the question of EU actorness is not relevant, and there is no robust EU role. This kind of intentional perspective to roles brings attention to how actors are involved in defining roles. Specific foreign policy roles are usually driven by some domestic parties¹¹⁶. For example decision-makers use roles in relation to both internal and external audiences. Hence, roles can be studied by looking at role conceptions held by national elites. Their views are reflected, for example, in official policy statements, leader's speeches, and historical documents.¹¹⁷ However, according to Cantir and Kaarbo, there is often substantial domestic variation regarding different role conceptions, and roles are not necessarily shared across elites or between elites and masses¹¹⁸. Individual interviews are one way to find out what policy-makers think more subjectively, and whether their perceptions on EU roles differ in relevant respects.

Furthermore, claimed EU roles also need recognition from other actors; the EU cannot play roles if these are not accepted by external others. In this respect, an essential element of EU role analysis concerns how other actors perceive the EU's role. Role recognition, or the lack of it, shapes the EU's self-perception, political identity and finally, its role performance. If the EU role is recognized and supported by others, the EU needs to use less efforts in those policy processes related with this role,

¹¹² Bengtsson & Elgström 2011, 114.

¹¹³ Harnisch 2011, 10-11.

¹¹⁴ Breuning 2011, 33.

¹¹⁵ Elgström & Smith 2006b, 245.

¹¹⁶ Aggestam 2006, 17-18.

¹¹⁷ Breuning 2011, 28-29.

¹¹⁸ National roles can be contested vertically (between elites and masses) and horizontally (among elites), see Cantir & Kaarbo 2012.

and it more likely also achieves its goals. Here the notion of coherence again becomes relevant. When the EU promotes a collective role, consistency and coherence are important aspects of the credibility of roles. In order to convince other actors, the EU must show consistency/coherence in several respects, not least over time and between its words and action. The credible representation of roles influences an actor's effectiveness and further abilities to perform a specific role. Previous studies have noticed how there often is a considerable gap between ego and alter role expectations¹¹⁹. This is especially the case when the EU's more global roles are considered. The EU is a relatively novel actor in world politics, and many non-Europeans are not necessarily familiar with the EU's integration project or voluntary sharing of state sovereignty. As a consequence, an outsider's expectations might be diverse; some do not recognize the EU as a legitimate actor, while others expect too much from it.

Interests, Values and Norms

Interests and values are important sources for role conceptions, but role playing also serves particular ends. Division between interests and values is evident in the debate on the external roles of the EU. According to the Lisbon treaty: "in its relations with the wider world, the Union shall uphold and promote both, its values and interests"¹²⁰. However, Lucarelli and Manners claim that the ambitions of the EU as a global power are predominantly defined with reference to values rather than interests¹²¹. The EU's role characterizations, such as normative power¹²², force for good¹²³, good international citizen¹²⁴ and ethical power¹²⁵, underline this value-driven image. Furthermore, the EU is also claimed to differ from other, more instrumental, self-interested or strategic powers. The EU's proclaimed value-based, normative image has also attracted much criticism. Many scholars have come to the opposite conclusion; the EU primarily drives its member states' strategic and economic interests¹²⁶, and in this respect the EU does not differ remarkably from other actors. Other actors are also keen to refer to values in their policies¹²⁷. It is probable that EU action includes elements of both, interest- and value-based logics, especially in instances where values and interests do not easily coexist. Hence, even if the EU can show normative performance, its behaviour is mixed and inconsistent on many occasions¹²⁸. Interests or values may also appear more prominently in different policy areas. According to Manners, EU action is value-driven especially in human rights, environmental protection and democracy promotion, policies close to those values it holds dear¹²⁹.

From a constructivist perspective the entire confrontation between interests and values is exaggerated. Constructivists have challenged the realist, mainly material, understanding of interests. Interests are not given, but contingent on norms, beliefs and values. For example, Wendt underlines how interests

¹¹⁹ See for example Bengtsson & Elgström 2011; Elgström & Smith (eds.) 2006.

¹²⁰ Lisbon treaty, article 2.

¹²¹ See Lucarelli & Manners (eds.) 2006.

¹²² Manners 2002.

¹²³ European Security Strategy 2003.

¹²⁴ Dunne 2008.

¹²⁵ Aggestam 2008.

¹²⁶ For example Hyde-Price 2004, 2006, 2008; Haukkala 2011.

¹²⁷ For comparisons with other major powers and different conceptions of normative, see Tocci (ed.) 2008.

¹²⁸ Aggestam 2013, 467.

¹²⁹ Manners 2006b.

are not only shaped by material forces, but also by ideas and shared culture¹³⁰. Cultural and historical differences impact on how interests are defined, and also institutional commitments create new conditions for action, limiting the scope of what is possible for actors.¹³¹ Hence, intersubjective arrangements are seen to constitute and constrain the advancement of (self-) interests. Inside the EU, the member states' construction of interests necessitates processes of learning and socialization, or so called Europeanization¹³². Several empirical studies have traced how European institutions have socialized actors through recreating and redefining their interests and identities¹³³ and, hence, shaping what is considered to be appropriate action in the EU context. Clearly, institutions shape interests and values, and also the taking of specific roles in relation to them. However, considerable scope is left for intentional action and role playing. Constructivists focus on how an actor's interests are always rooted in identities without which they would have no direction¹³⁴. In this respect the EU might not always pursue its interests through normative considerations but, before anything else, aims to establish an identity for itself. This demonstrates how action, identity, interests, values and norms are closely related concepts that need to be taken into account when studying EU roles.

When the sharp division between interests and values is abandoned, it can be noticed that the promotion of interests does not exclude the promotion of wider values. Actually, it is often in the interests of an actor to promote externally wider values, such as human rights and democracy. Support and promotion of these values and related norms is central for the EU's role as a normative power. This role assumes that other actors are attracted by EU values and are likely to change their action to better match with these ideals. Importantly, Manners' conception of the normative power role also seems to stress that the EU does not act only in its own interests, but binds itself to international norms, whether these are in its interests or not¹³⁵. This kind of interpretation suggests that EU choices reflect its commitment to the common good, devoid of instrumental calculation. However, as Youngs notes, normative values and more strategic calculations can also inform each other. The pre-eminence of ideational dynamics and a value-driven EU profile fails to capture the more instrumental, security-oriented dynamics behind its action.¹³⁶ Much depends on who is able to govern those institutions where the EU is active and set their agenda, issues that will be discussed in the next section on power.

Power

In order to play a significant role in the world, the EU needs to have power¹³⁷. The broad definition of power refers to the actor's capability to produce intended effects. However, the concept of power is highly contested, and there have been several attempts to redefine it. For the purposes of this thesis, three aspects of power discourse are especially relevant: power resources, instruments and effects of

¹³⁰ Wendt 1999, 114-115.

¹³¹ As historical institutionalism would suggest, see Costa & Jørgensen 2012, 4-5.

¹³² Europeanization refers in general to transformation processes at the national level, which are dependent on European integration. More recently Europeanization literature has also taken into account that this process is not merely just a one dimensional 'downloading' process. On the other hand, it is increasingly noticed how difficult it is to separate other socialization processes from the European one. See for example Ladrech 2010, Börzel & Panke 2013,

¹³³ Risse 2004, 163.

¹³⁴ Wendt 1999, 233-237.

¹³⁵ Manners 2002, 253.

¹³⁶ Youngs 2004, 416.

¹³⁷ See Smith M. 2011a, 144.

power. First of all, the EU has several different power resources at its disposal. Realist accounts of power emphasize the material resources of actors, but power can be based on other resources as well. Often divisions are made between military, economic and cultural or ideological power resources. The EU's civilian and normative power roles are related to ideological power and the power over opinion¹³⁸, even if economic power also plays important role in these characterizations. Missing from the normative power role debate is a more hard-edged and multi-faceted interpretation of EU power¹³⁹. Even normative power role is boosted by different resources, which are essentially interrelated. Furthermore, some EU member states do have significant military machinery, even if the EU as such lacks military power resources. The EU's ideological resources derive, for example, from its social model, values, institutions and prosperity. In general, all resource-based characterizations are only able to capture potential power, the actualization of which needs to be considered in a more specific policy-making context. What functions as a power resource in one policy context might be irrelevant in another.¹⁴⁰ In many areas of EU external action, the EU has remarkable resources, but its ability to convert these into influence remains rather limited. In this respect, power resources are not necessarily the most important dimensions when analysing EU power.

Secondly, the instruments of power are relevant as the roles of an actor often limit their use. Joseph Nye has made the famous division between hard and soft powers by concentrating on the instruments used in power projection. According to him, soft power relies on diplomacy and persuasion, while hard powers use "carrots and sticks" to achieve what they want.¹⁴¹ Even if Nye used this distinction to capture the influence of the US, it is also relevant in the EU case. The EU is often considered reluctant to use direct compulsory or coercive power against others¹⁴². However, much depends on how coercion is defined; for example the EU's use of economic conditionality includes coercive aspects in relation to its weaker partners. Hence, it could be better to talk about command power, as Smith suggests. Command power may use instruments to induce, but also to coerce.¹⁴³ Also Nye notes that the most successful actors in global politics are able to combine hard and soft power instruments, and can be labelled smart powers. The normative power role is based on the EU's power to spread norms, and as such it is open to different, even coercive instruments. However, the use of coercive instruments is considered detrimental for the normative power image. When pursuing normative goals coercive power may not even be beneficial, as norms cannot be easily imposed on others. The credible defence of norms may still need the existence of convincing sanctions (potential hard power) against norm breakers as well as promises of benefits. The normative power role puts emphasis on diverse mechanisms of norm-diffusion; for example persuasion, invoking norms, shaping the discourse and leading through example¹⁴⁴. Even this focus on less coercive instruments does not seem to be enough for the analysis of EU power.

¹³⁸ Manners 2002, 239-240.

¹³⁹ Checkel 2006, 66.

¹⁴⁰ Baldwin 1979, 164-165.

¹⁴¹ Nye 2011, xiii.

¹⁴² Smith K. 2008, 234.

¹⁴³ Smith K. 2014 104.

¹⁴⁴ Forsberg 2011a, 1196-1198.

The last aspect of the power debate is related to an actor's abilities to cause effects or influence others. The focus on influence is highly relevant when analysing the EU's roles. The normative power role suggests that the EU is able to define what passes as normal¹⁴⁵. Clearly the previously outlined resources and instruments have given the EU strong potential to influence. In order to bring more attention to relational and more constitutive forms of power, Barnett and Duvall differentiate between compulsory, institutional, structural and productive forms of power¹⁴⁶. This taxonomy may help to capture the different resources and instruments through which the EU may use its power. Besides compulsory and direct forms of power, the EU may benefit from institutional power, which refers to the use of power through relationships of influence in the context of international institutions. Here the use of power does not necessarily include overt conflict, as some actors may exploit their institutional position to silence dissent¹⁴⁷. According to Barnett and Duvall, established institutions create winners and losers by working to the advantage of some, while disadvantaging others¹⁴⁸. The EU is able to use many institutions for its own advantage¹⁴⁹, but institutions themselves may also possess power mechanisms, which describe the proper roles for an actor. Institutional and structural powers are often seen as two sides of the same form of power, depending on how the structures are defined. However, while institutional power may limit the promotion of an actor's interests, structural power is able to shape the interpretation of these interests. The notion of productive power is related to discourses through which it creates social identities and related capacities¹⁵⁰. Productive power is principally based on ideational resources and in this sense becomes close to the EU's normative power role characterizations. The furtherance of specific EU identities, roles and norms in discourses can be considered as forms of productive power¹⁵¹. As a conclusion, the debate on power related to the EU role in the world must take into account different forms of power and their interrelated nature.

1.3 From Theory to Practice

Case study of the EU role at the UN Human Rights Council

Gerring proposes that a case study should be defined as an intensive study of a single unit for the purpose of understanding a larger class of units¹⁵². The event or organization is not a case in itself but rather different aspects of it are cases of broader, theoretically defined classes of events. According to Yin, the distinctive need for case studies arises out of the desire to understand complex social phenomena through real-life events¹⁵³. One of the best qualities of the case study strategy is the depth of analysis it is able to offer. A researcher has to balance between what is particular to the case under study, and what is more general about it. Case selection needs to be carefully designed if the case is to advance the objectives set and avoid selection bias. Different types of case studies can be classified by the purposes they serve; cases can be for example most or least likely cases, deviant cases, crucial

¹⁴⁵ Manners 2002, 253.

¹⁴⁶ Barnett & Duvall 2005a, 3.

¹⁴⁷ Bially-Mattern 2008, 693.

¹⁴⁸ Barnett & Duvall 2005a, 17.

¹⁴⁹ Barnett & Finnmore 2004, 176.

¹⁵⁰ Barnett & Duvall 2005a, 20-21.

¹⁵¹ Bengtsson & Elgström 2011, 115-116; Diez 2013, 203.

¹⁵² Gerring 2004, 342.

¹⁵³ Yin 2003, 2.

cases and counterfactual cases¹⁵⁴. The use of case study methods has become highly popular in EU research, which provides many possible opportunities to benefit from cases. In this research the case study strategy is used to understand EU action in global human rights promotion from the perspective of a normative power role. Focus on this particular role is justified, as this thesis aims to provide an explanation for specific foreign policy action and perceptions related to this role, in a particular organizational context of the HRC. Hence, the normative power role can be understood here as the more context-specific role of the EU.

With the help of role theory the normative power idea can be used to critically study the EU role at the HRC. Role theory focuses on the interaction between the ego and alter conceptions of roles. In this respect, the EU role is not just the one it chooses to promote, but this role also needs recognition from other actors. This research serves two different purposes; it aims to describe and explain a particular case with theory-guided perspective, but it also aims to contribute to the development of the used theoretical propositions¹⁵⁵. Human rights form the core of the EU's assumed normative power, and that is why this role is an appropriate starting point for analysis. This thesis focuses on one single case, the EU role at the Human Rights Council (HRC), the central UN body in the field of human rights. One rationale for using this kind of single case study is when it represents a critical case in testing a well-formulated theory¹⁵⁶. According to Larsen, the normative power of the EU should be studied in policy areas in which this power is most relevant¹⁵⁷. The HRC case is crucial in EU human rights policy in the sense that it provides a most likely case¹⁵⁸ for testing the EU's normative power role at work on a global level. In other words, the EU is often seen to aspire to the role of a normative leader in global human rights governance. However, the global membership of the HRC means that the EU must search for recognition and legitimacy in front of a highly heterogeneous audience, which may also abandon its role claims. External perceptions of the EU role are an important addition to the EU role debate and may decide whether the EU really deserves the status of a normative power. External perceptions also condition the performance of EU roles. At the HRC, where the global dialogue on human rights norms is conducted, the use of coercive power is less apparent. Hence, the EU must rely on its normative and ideational resources in order to achieve normative effects in others.

One of the main challenges of case studies has to do with how and under what conditions it is possible to generalize from one or a few cases. There are two different ways to generalize; empirical and theoretical¹⁵⁹. This case can provide empirically relevant observations about the EU's external human rights policy, and even offer material for wider generalizations about the EU role at the UN. It is possible that a single-case design may also expand and generalize theories¹⁶⁰ and restricting the scope of an empirical analysis does not have to be done at the expense of its theoretical ambitions¹⁶¹. Theoretically, this thesis can contribute to framing the normative power idea with the help of role

¹⁵⁴ Bennett & Elman 2008, 505.

¹⁵⁵ For a typology of case studies, see Levy 2008, 4-7.

¹⁵⁶ Yin 2003, 40.

¹⁵⁷ Larsen 2014a, 908.

¹⁵⁸ Levy 2008, 12-13.

¹⁵⁹ Andersen 2003, 8.

¹⁶⁰ Yin 2003, 10.

¹⁶¹ Leander 2008, 23.

theory. In this respect, the external perspective on the EU role is highly relevant. This particular case may have more general empirical relevance in informing about the dynamics, preconditions and challenges of the EU's global normative agenda. However, broad generalizations based on one organizational context are not likely. This is because organizations and the conditions for EU participation are highly different in different organizational contexts.

Often, single case studies emerge out of an empirical puzzle, where something in the case does not fit with a researcher's expectations. A researcher, based on her previous knowledge, may have some hunches about what is happening, and perhaps critique against existing views on that matter.¹⁶² The research interests for this particular case arose from the conclusions and methods used in previous studies. Former studies about the EU at the UN human rights fora have necessitated mainly voting statistics, which are not able to capture the whole truth about the EU's role. This is because voting occurs rather seldom at the HRC, and when it does, there might be other, less substance-related, reason for differences in opinions. Case study strategy is beneficial as it enables the inclusion of different evidence: documents, interviews, and observations. As such, an in-depth case study of the EU role at the HRC is able to provide a more comprehensive picture of the situation in the field. In order to notice the more informal diplomatic processes at the HRC, participant perceptions of the EU, collected through interviews, are important sources of information.

Research Framework: National Role Conception, Role Performance and Role Prescriptions

This research uses role theory concepts to study the EU's role at the HRC. The following three conceptual innovations of role theory are relevant for this research;

- 1) *National role conception* refers to an actor's perception of his or her position vis-à-vis others. This conception consists of a set of norms expressing self-expected foreign policy behaviour and more general action orientation. When it is communicated and expressed in policy makers' speeches, it points to the intentions of an actor, which set limits on politically feasible alternatives. Even if national role conceptions are usually highly path-dependent and stable, they may change due to changing environment and circumstances.
- 2) *Role performance* refers to the actual policy behaviour of an actor in a social context. In this research the concept of role performance is used to study whether the EU's action is consistent with its self-perception and role expectations. It needs to be noted that both ego and alter role expectations concern the ways in which role ought to be performed. According to Holsti, role performance encompasses the attitudes, decisions, and actions governments take to implement their national role conceptions¹⁶³. However, role performance concerns the actual role playing, and this does not necessarily match with expectations. Hence, performance is also closely related to an actor's coherence and legitimacy; if there is much incoherence between role claims and performance, the actor's legitimacy decreases and may lead to reconsiderations of role. An actor's role performance is conditioned and shaped by external

¹⁶² Klotz 2008b, 51.

¹⁶³ Holsti 1970, 240.

expectations as it aims to respond to them. Also other actors' (competing) roles may contest the performance of roles.

- 3) The concept of *role prescription* refers to the external environment of roles, an area often neglected in role research. An actor's foreign policy, while being to a large extent driven by internal ideas and processes, is also shaped in response to others' expectations. Foreign policy roles need recognition from others, but the extent to which these become significant in developing national role conceptions varies considerably. EU role conceptualizations have been mainly introspective, and that is why this alter side of roles is highly needed. The role prescriptions of others are not equally relevant; power and dependence relations are important. The concept of the significant other is borrowed from symbolic interactionism to refer to primary socializing agents, which cannot be selected randomly. In international relations significant others are often tied to past experiences of the role beholder.¹⁶⁴

The empirical part of the thesis studies the EU role at the HRC from these perspectives. Before that, a few important clarifications must be made. When studying national role conceptions, the EU is without doubt a strange case. There are various EU actors who may hold diverse conceptions of the EU role, and it is likely that both intra- and inter role conflicts occur more often than in the case of individual states. However, the assumption is that both national and EU decision makers are increasingly socialized to accept particular collective EU roles and act on that basis¹⁶⁵. In human rights issues, where the level of EU agreement is high, it is easier to form and defend a collective role. However, EU elites¹⁶⁶ may hold more homogenous and positive views about the EU than their national counterparts. Another important point is that this thesis focuses only on a particular EU role, that of normative power. Selecting this role is justified with the policy area in question; it is in human rights where this role carries special significance. It can be assumed that other, even competing role conceptions also carry relevance in the field of human rights. The EU's role performance does not necessarily correspond with its role claims. Ambitious EU rhetoric has also raised expectations, which have grown faster than the EU's capability to perform¹⁶⁷. Most studies have concentrated on self-perceptions of the EU while external perceptions have been left aside. This thesis also elevates the importance of role performance as a way to study EU roles.

Research data and analysis

Evidence for case studies may come from different sources; it is possible to use documents, archival records, interviews or observation. In order to receive more validity for the research, a good case study uses as many sources as possible. This case study relies on both documents and research interviews. Several rules to guide the research were formulated in order to make the data as reliable as possible. Speeches and statements included were delivered by leading EU figures, such as the High Representative and the Special Representative of Human Rights. Different documents by official EU institutions, EU presidency, or expert bodies, such as COHOM and DROI were used. Furthermore,

¹⁶⁴ Significant other can be for example a state that is most often mentioned in foreign policy documents.

¹⁶⁵ See Aggestam 2004, 84-85.

¹⁶⁶ EU elites refer here to those people who work in EU institutions or in EU delegations.

¹⁶⁷ Capability-expectations gap was introduced by Hill (1993), Michael Smith talks about capability-aspirations gap (Smith M. 2011a, 155).

official HRC documentation, available at the HRC websites and Extranet was benefitted from¹⁶⁸. This includes EU statements, EU member state statements and other actor statements delivered at the HRC forums. Besides these, it includes the reports of the HRC (annual and thematic reports) and reports delivered by its bodies and experts. Also reports and statements concerning the HRC delivered in the wider UN system, for example at the General Assembly, were used.

Secondly, case studies also use informants through whom the case can be known¹⁶⁹ and here they were participants of the HRC. The 63 semi-structured interviews were conducted in 2013-2014 during four separate field trips to Geneva and one trip to Brussels¹⁷⁰. These interviews served two purposes; they provided background information and revealed the participants' subjective understandings or perceptions of the EU role. One crucial matter when using expert interviews is the choice of samples. In order to get the best combination of informants, 23 EU interviews were conducted with member states human rights experts and EU delegation experts in Geneva and with EEAS staff in the Brussels headquarters. External interviews include 40 different EU others, such as third states, human rights organizations, and the HRC secretary members. Expert advice was used in the selection of informants¹⁷¹ and special attention was paid to prominent actors. However, some state representatives¹⁷² also refused to accept my interview request because they perceived the topic to be too sensitive. Despite these challenges, highly valuable data was collected, and the interviews represent a good sample of different HRC participants. There is no previous knowledge on how EU officials or external others at the HRC perceive the EU's role. Even if the interviews followed key themes of the theoretical framework, interviewees had the freedom to comment on issues, and they were often willing to talk extensively¹⁷³. Interviews were conducted under the promise of anonymity and that is why there are no references to names or affiliations.

The data is analysed and interpreted with the help of qualitative content analysis (QCA), which is a method for systematically describing the meaning of qualitative material. Anything that is intended to communicate a message is usable as material for content analysis. Analysis is done by classifying material as instances of the categories of a coding frame. A coding frame is useful for structuring the collected materials by focusing on certain key dimensions or main categories of the material (see appendix 3). The complexity of a coding frame depends on the research question i.e. on the number of dimensions and hierarchical levels the research question is divided into. It is also normal to use some mixture of concept- and data-driven structuring.¹⁷⁴ In this research the main categories are formed according to the theoretical framework (concept-driven part), and what is said about these topics is specified with the creation of subcategories (data-driven part). The interviews of EU officials

¹⁶⁸ HRC homepage is available at <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx> (includes HRC Extranet link)

¹⁶⁹ Stake 2000, 438.

¹⁷⁰ Interviews were conducted with ambassadors and human rights experts. The delegations themselves made the choice of who would be the most appropriate person to participate.

¹⁷¹ The UN NGO section in Geneva listed the most active organizations at the HRC. The EU delegation staff also provided a listing of those organizations which most actively take part in their NGO meetings. Also human rights organizations themselves provided suggestions about the respondents. These choices were considered concise also by those human right experts who commented in the empirical chapters.

¹⁷² For example representatives of the US, Norway, South Africa and Brazil. Often the importance of EU relations may explain refusals.

¹⁷³ Individual interviews lasted from half an hour to almost two hours.

¹⁷⁴ Schreier 2012, 89.

and the EU's external others are reported in separate chapters (5 and 7). In chapter 6 on role performance both perceptions are necessary. In the analysis, special attention is paid to different aspects of the normative power role, and how EU views and external perceptions meet.

Quality of the research

One of the main ways to improve the quality of research is through working reflexively. The researcher needs to be aware that she is always a prisoner of her own worldview and location. Experiences in the specific research field (European Studies) influence the ways in which the subject is approached. The subjectivity may also impact research objects at a more basic level; the physical appearance, reactions, gestures, social status, and use of language tends to have an immediate impact on what interviewees say and leave out from their accounts¹⁷⁵. Also the gap between theory and practice needs to be acknowledged. The theoretical views and concepts are likely to depart from the everyday reality of policy-makers. Hence, the theoretical categories cannot be found at the level of practice, even if there are strong links between the discourses of these two domains in the case of the EU¹⁷⁶. However, a researcher always takes risks when operationalizing the main research concepts and theories. There is always a danger that theories guide the collection and analysis of data too strongly. One way to increase the quality of case studies is to send the research product to subjects of the study and let them comment on the results¹⁷⁷. This research aimed to fulfil this demand at least to some extent¹⁷⁸. This exercise is also a valuable way to make sure that the voices of the interviewees are original.

Reflexivity is also needed to assessing the reliability and representativeness of the interviews. Analysing the perceptions of different actors includes several methodological challenges. For example, the interviewees could have different motives for giving the interview. Some of them may have a strong political agenda behind them, which affects the answers given. Respondents were also generally quite careful because they considered the topic rather sensitive; commenting on other delegations' policies presumably includes political risks. For example, interviewees from countries with close political and/or economic ties with the EU could be aware of their words, avoid answering particular questions, or even refuse to accept the invitation to take part in this research. Giving an anonymous voice for these EU partners provides highly interesting and valuable insights into EU action. Here, good background work with official statements and knowledge about the prevailing political realities at the HRC can help in framing and understanding the views. However, the quality of the research, as well as the relevance of findings, is improved with the inclusion of different types of actors with varying relations with the EU. These views, even if they cannot represent the views of all possible actors, give important and varying perspectives to EU action at the HRC.

¹⁷⁵ Leander 2008, 25.

¹⁷⁶ EU research is often accused of not separating enough between EU's political agenda and academic research concerning it.

¹⁷⁷ Yin 2003, 160.

¹⁷⁸ Ready empirical chapters were sent to interviewees. However, most of those who replied were more interested to see that their names do not appear in the final version.

Research Contribution

According to King et al. a research project should aim to satisfy two criteria: it should deal with a significant real-world topic and be designed to contribute to a specific scholarly literature¹⁷⁹. After the Lisbon Treaty, the EU has been considered to be equipped with increased capabilities to take part in the decision making of international organizations (IOs). Thanks to increased EUMS cooperation, also presenting the common EU approach has become standard practice. However, the EU's role depends on the particular context, and its ability to take into account EU ambitions. Secondly, domestic politics creates strong incentives but also restrictions for particular EU roles. As EU roles seem to vary in different organizational contexts¹⁸⁰, it is important to acquire more detailed information about specific cases. This thesis provides an important contribution for understanding the EU role at one specific organization, the UN Human Rights Council. However, individual case studies can also be beneficial in covering more general contextual conditions¹⁸¹ for EU roles. Even if the thesis focuses on EU role in the UN human rights machinery, it can provide insights about the wider inter-organizational dynamics between the UN and the EU.

This thesis contributes to a “third way” in normative theorizing on the EU by taking a critical approach to the normative power idea¹⁸². Previous research has considered whether the EU acts as a normative power in particular cases or policy areas. The normative power role is used here as a framework for explaining high EU objectives. Besides explaining EU positions, normative power research has sidelined some important questions. First of all, how widely shared this normative power role is among different EU actors. It is by no means evident that specific role conceptions are shared among the EU and member state decision-makers. Secondly, the normative power role is seen to be based mainly on the self-declared value-commitments of the EU. There is less knowledge on the external legitimation and recognition of this role. However, the EU can only be a normative power if its different others are ready to accept this role. Hence, the need for research on external perceptions of the EU's role is evident. Only by combining internal and external perspectives to EU action¹⁸³, can more realistic accounts of its role be achieved. The number of studies which map external perceptions of the EU in different geographical and issue areas is increasing. However, these studies have concentrated on general perceptions of the EU, and do not evaluate the EU's more specific role as a normative power. The most important contribution of this thesis is the empirical data collected. Interviews concerning perceptions of the EU's role at the HRC give new information on how different EU actors and diverse external others perceive the EU's role. This knowledge is beneficial not only for some abstract theoretical perspective, but also for the more practical understanding of the EU presence in global multilateral settings.

¹⁷⁹ King et al. 1996, 18.

¹⁸⁰ See for example Orsini 2014; Jørgensen & Laatikainen 2013 (eds.) Blavoukos & Bourantonis 2011(eds.).

¹⁸¹ Yin 2003, 13.

¹⁸² See Whitman 2013, 173.

¹⁸³ Larsen 2014a.

2 The EU Role as a Normative Power

*What is Europe's role in this changed world? Does Europe not, now that it is finally unified, have a leading role to play in a new world order, that of a power able both to play a stabilizing role worldwide and to point the way ahead for many countries and peoples?*¹⁸⁴

In 2001, the European Council meeting kicked off the debate concerning the more general global role of the EU in the 21st century. At the time, the EU seemed to be at a crossroads both internally and externally. The Council conclusions asked for stronger and more present EU in the world, which opened new windows of opportunity. Ahead of big Eastern enlargement and the drafting of a new Constitution for the EU¹⁸⁵, a lot of optimism concerning the future EU role was in the air. These expectations turned out to be perhaps too confident. While the EU has incrementally increased its global actor capabilities, opinions about its role in the world are still mixed¹⁸⁶. The speed of European integration has decelerated, and the global geopolitical realities have changed. Not only has the world become more multipolar than ever before, but also the gravity of economic power has shifted considerably from the West to the East. Since 2008, the economic crisis has further accelerated the EU's declining influence. These changes have had consequences for the EU's possible roles in the world, and on its roleplaying more generally¹⁸⁷. What has become obvious is that the EU is not a self-evident example for others in the post-Western world order. As the EU is ever less a central actor, its effort to present a normative power in the world also faces challenges¹⁸⁸. Other actors may be less willing to recognize the EU's values and norms as valid guiding principles. At the same time the BRICS¹⁸⁹ are offering alternative models for the developing world. The changing situation is evident at the multilateral institutions, where the EU faces these changes and aims to find an appropriate role. As this chapter notes, the focus should not be only on the EU's self-perception, but also on alter expectations and recognition of these roles.

Several characterizations of the EU have privileged a more ideational and non-neutral understanding of its role in the world. This chapter concentrates on examining the basic assumptions behind the EU role as a normative power. This kind of projection of a European model, or even utopia, to the rest of the world has a long history¹⁹⁰. One of the main conceptual anchors is the idea of *civilian power*, which gained ground in the 1960s and 70s. In comparison with the two superpowers, the civilian power Europe presented a different type of actor. In 2002 Ian Manners' idea of normative power

¹⁸⁴ Presidency conclusions, Laeken, 14.-15. December 2001, annex I (Laeken declaration on the future of the European Union), p.20. See http://ec.europa.eu/smart-regulation/impact/background/docs/laeken_concl_en.pdf

¹⁸⁵ The European Council also established the *Convention on the Future of Europe*, a body, whose purpose was to draft new constitution for the EU. In 2004 the EU member states accepted the proposal of the Convention, and agreed upon a Treaty establishing a Constitution for Europe. However the text of the Constitution was rejected in 2005 in two referendums, in Netherlands and France.

¹⁸⁶ According to Aggestam there are two sharply different narratives; one of decline and the other that presents Europe as the hub of developments in a world transformed, see Aggestam 2009, 25-26.

¹⁸⁷ There is still controversy about the nature of the consequences of the economic crisis for the EU's foreign policy conduct. See for example Kempin & Overhaus 2014 and Youngs 2011.

¹⁸⁸ Laïdi 2008a, 1-3; Nicolaïdis & Whitman 2013, 167.

¹⁸⁹ BRICS refers to Brazil, Russia, India, China and South Africa.

¹⁹⁰ Nicolaïdis & Howse 2002, 767-769.

Europe (NPE) reoriented this debate¹⁹¹. The NPE concept has become a highly popular framework for analysing the EU's global role¹⁹². As Whitman notes, Manners' article and subsequent work stimulated "a neo-normative turn" in theorizing the EU's international presence¹⁹³. It was not only about what the EU represents, but what it should represent in the world. The normative power idea was eagerly adopted by many EU policy-makers. Here attention is paid to how this role was historically constructed, and how it became to reflect the EU's self-understanding. Despite the popularity of the NPE idea, for example in empirical studies of the EU's external action, the concept has remained rather ambiguous, which has weakened its analytical use¹⁹⁴. Thus, one needs to be more precise on what the concept in each research context entails and assumes. This chapter outlines different aspects of the NPE role, and more particularly, how this role is interpreted in this thesis. It also examines the time dependence and contextual realities for playing this role.

2.1 Theoretical Perspectives to EU Roles

In European studies literature, role is often used as a synonym for influence, but also as an umbrella concept for more general patterns of EU policy behaviour¹⁹⁵. The first refers to the EU's power position, while the second aims to map more specific EU characteristics. The EU role characterizations have been developed within the three main IR perspectives: realism, structuralism and pluralism¹⁹⁶. Their visions of the EU in the world differ remarkably. According to realists, the EU's role is determined by its relative (material) power capabilities, while structural interpretations emphasize the relevance of the EU's overall position in the global system. The pluralist or constructivist tradition combines contextual factors with the intentional role construction, and ends up with various, often positive, role visions. In this thesis, the emphasis is on these constructivist role characterizations. A narrative about Europe with an ethical or normative connotation has been strong ever since the creation of the Communities¹⁹⁷. This narrative presents the EC/EU as a peace project in Europe, which goes beyond existing forms of political decision-making by putting values at the centre of policy-making. For example, Diez notes how there is a widespread belief that the EU aims to spread certain norms and values rather than geographical expansion or military superiority¹⁹⁸. However, several scholars have also remarked that the EU's identity, both historically and presently, is crucially linked to its experience with market integration¹⁹⁹. The value-oriented EU role interpretation has been highly successful since the 1970s when Duchêne and Galtung established the normative scholarship on the EC/EU's international role²⁰⁰. In the 21st century, the EU role debate has also experienced a "neo-normative turn" as the role the EU should play in the world has been widely debated in the field of European studies²⁰¹. This does not mean that there are no alternatives;

¹⁹¹ Manners 2002.

¹⁹² In 2007, Manners' article was voted to be among the five most important, essential and seminal academic pieces published over the previous the years by European Union Studies Association, see Forsberg 2011a, 1184.

¹⁹³ Whitman 2013, 171.

¹⁹⁴ Forsberg has provided one of the best attempts to analyse the concept, see Forsberg 2011a.

¹⁹⁵ Elgström & Smith 2006a, 4-5.

¹⁹⁶ Whitman 1998, 5; Orbie 2008, 8-9.

¹⁹⁷ Linklater 2011.

¹⁹⁸ Diez 2005, 613.

¹⁹⁹ Damro 2012, 683.

²⁰⁰ Duchêne 1972; Galtung 1973.

²⁰¹ Whitman 2013, 171.

it is likely that several role possibilities live side by side. However, the EU's role as a normative power, especially as a continuum for its former civilian power role, has remained a highly successful starting point for EU role analysis.

The EU's role characterizations, such as civilian power, normative power, ethical power, transformative power and responsible power²⁰² refer to more specific expectations concerning EU behaviour. They also aim to further a more idealistic understanding of the EU in a world where international law and norms are assumed to have great relevance. However, the more realist and materialist thinking about the situation and EU power²⁰³ has also gained ground. The desirability of the normative agenda is challenged, and the EU is demanded to take a more strategic approach to global affairs. The EU role debate is always closely related to policy-making. The assumption seems to be that internal EU developments will directly mean a more influential EU. For example, the launch of the European Security Strategy (ESS) in 2003 and the Lisbon Treaty in 2009 increased debates on EU roles. These idealized conceptualizations reflect only the internal and intentional side of roles, eagerly promoted by Europeans. For example, Gerrits notes how the debate on EU roles is heavily dominated by European researchers, and how it is mainly among Europeans that Europe is taken seriously as an international actor²⁰⁴. Furthermore, these role discourses are not only descriptions of the EU, but also normative views about what kind of actor the EU should be²⁰⁵. In the academic debate the descriptive and normative aspects of EU roles are often confused. The self-declared roles are not much contested, and the focus is mainly on the possible consequences of these roles for the EU's actorness.²⁰⁶ According to Sjursen this has left researchers vulnerable to the charge of being unable to distinguish between their own sympathy for the European project and their academic role as critical analysts²⁰⁷. As a conclusion, different role conceptions have become political rather than analytical instruments.

The role theory framework helps to tackle this problem. The ideational EU roles, such as the normative power role, can be understood as self-images of the EU. These roles, as well as their popularity and legitimacy among the EU or member states policy-makers, is often taken for granted. However, this is not necessarily the case and internal, more unofficial, perceptions of these roles may be diverse²⁰⁸. Secondly, this perspective can only reach one side of the story. Also the recognition and acceptance of these roles among other actors must be studied. In this way the internal and external side of roles can be brought together and a broader understanding of EU roles can be achieved. Studies mapping the external perceptions of the EU in different regional and issue-specific contexts have increased²⁰⁹. Even if these have mainly concentrated on more general perceptions of the EU, they are able to inform about the possible roles the EU is seen to play in the eyes of others. For example perceptions of the EU among the large non-European public reveal that knowledge of the EU in non-

²⁰² Civilian power (Duchêne 1973, Whitman 2002), normative power (Manners 2002), ethical power (Aggestam 2008), transformative power (Grabbe 2006), and responsible Europe (Mayer and Vogt 2006).

²⁰³ See Hyde-Price 2008, Toje 2010.

²⁰⁴ Gerrits 2009a, 2, see also Manners' list of contributions to NPE debate (Manners 2013, 306-307).

²⁰⁵ Manners emphasizes the normative dimension of normative power debate in several articles, see Manners 2012, 195.

²⁰⁶ Aggestam 2013, 457.

²⁰⁷ Sjursen 2006a, 170.

²⁰⁸ An example of this kind of approach, see Carta 2008.

²⁰⁹ See for example Lucarelli & Fioramonti (eds.) (2010); Lucarelli 2013; Chaban & Holland (2014a)

European countries is not very high²¹⁰. Different elite perceptions studies notice that the EU can be seen as a great power or even leader, but there is both regional and issue-specific variation in these perceptions²¹¹. In the case of the normative power role, there have been no systematic analyses of how this role is perceived externally. Larsen has collected some aspects of this role from other studies and noted how external actors identify this role but at the same time this role remains rather limited²¹². Often the EU is criticized for inconsistencies, lack of unity, a patronizing negotiation style and double standards²¹³, which do not fit with this image. Relevant for the perspective of this thesis is the noted gap between self-perceptions and external perceptions. The EU can promote idealized self-images but these cannot make up its final role in international arena. Also external recognition of its roles is needed.

2.2 The EU's Self-image as a Normative Power

Tiilikainen notes how the EU's self-understanding is one of the most essential factors shaping the EU's role in the world. The way the EU approaches other actors, as well as the way it perceives its own values and interests in relation to them, is based on its self-understanding.²¹⁴ This self-understanding stresses the uniqueness of the EU. Furthermore, the exceptional political form of the EU is also claimed to lead to exceptional behaviour²¹⁵. The concept of "civilian power" was one of the first and most long-term attempts to conceptualize Europe's role in the world. The attempt was to shape conceptions of the European Community as a trading bloc, which differed from major military powers²¹⁶. The civilian power image presents the EU in a positive light as a carrier of universal values and principles, as some kind of "force for good"²¹⁷. This section studies the origins of the EU's normative power role, its key constituent parts, as well as ways to interpret these claims.

Origins of the EU's "Exceptionality"

Debate about the EC/EU's international role date back to 1970's, when the atmosphere of global détente raised discussion about Europe's possible potential and role in the world²¹⁸. In 1973, the European Ministers of Foreign Affairs decided to draw up a document on the European Identity where they noted the need for unity as a "basic European necessity to ensure the survival of the civilization which they have in common". This declaration set out basic guidelines for common EC policy towards third countries, and stressed that "European unification is not directed against anyone, nor is it inspired by a desire for power".²¹⁹ However, the definition of EU identity was made in relation to the US, the major EC ally. As Hazel Smith notes, the genesis of the document was the series of

²¹⁰ Fioramonti & Lucarelli 2011, 218; Lucarelli 2013, 435; Kilian & Elgström 2010.

²¹¹ Chaban et al. 2013; Lucarelli 2013, 436

²¹² Larsen 2014a.

²¹³ Fioramonti & Lucarelli 2011, 221; Lucarelli 2013, 436-437; Chaban et al. 2013, 442.

²¹⁴ Tiilikainen 2011, 188.

²¹⁵ Manners 2002, 242; 2009c, 3.

²¹⁶ Zielonka 2013, 41.

²¹⁷ Characterization used in the EU's Security Strategy 2003.

²¹⁸ Dinan 2004, 125.

²¹⁹ See Declaration on European identity: http://www.cvce.eu/content/publication/1999/1/1/02798dc9-9c69-4b7d-b2c9-f03a8db7da32/publishable_en.pdf accessed 30.10.2015.

political and economic frictions that had bedevilled EC-US relations throughout the early 1970s²²⁰. The 1973 EC enlargement, which finally made the UK an EC member state, also raised the international profile of the EC. Britain was the closest US ally in Europe, and hence its membership had consequences for transatlantic relations. Simultaneous changes in the international system, such as the oil crisis, showed the vulnerability but also interdependence of European states. The first role debate concerned the nature of power, and focused on the instruments that should be available for Europe. It created the framework and main alternatives for future EC/EU role considerations.

François Duchêne called the European Community a civilian power, which preferred non-military means when influencing others. Duchêne never described civilian power in any precise way, but it included at least civilian means and ends, a sense of common responsibility, and a built-in sense of collective action, which expressed social values of equality, justice and tolerance²²¹. Duchêne's value-laden idea of Community has been highly successful ever since. According to Orbie, the success of the civilian power role is because of, rather than in spite of, the imprecise description by its founding father²²². For Duchêne, the EC appeared to be developing into an exceptional and progressive power entity that would stabilize the world order;

*Europe would be the first major area of the Old World where the age-old process of war and indirect violence could be translated into something more in tune with the twentieth century citizen's notion of civilized politics. In such a context, Western Europe could in a sense be the first of the world's civilian centres of power.*²²³

According to Duchêne, the EC could shape international *milieu* with the help of its own experiences in ways that went beyond mere self-interest. One of the core tasks of the EC was to domesticate the relations between states and introduce a new stage in political civilisation. Duchêne noted how this new global role of the EC would be explored through trial and error. The main idea was to see the EC as a "force"²²⁴ that is able to slowly change its neighbourhood and even more distant environment. The EC, and later on the EU, would act unlike traditional states when establishing their external relations on cooperation and ideas instead of brute power and security concerns. However, Duchêne also noted how the development in Western Europe was highly dependent on the exceptional circumstances of the Cold War. It was not only common regional interests that would bind Europeans together; external support of the US was essential for the success of the European experiment. In this respect, the role the EC/EU is dependent on external factors and environment.

Overall, changes in the nature and distribution of power in international relations during the 1970s pointed to the diminution of the importance of traditional military power. For this reason, it was thought that Europe does not need to become a military power but rather develop its civilian image.²²⁵ The EC launched a powerful new method of regional governance, which was seen as an attractive

²²⁰ Smith H. 2002, 76.

²²¹ Duchêne 1973, 19-20.

²²² Orbie 2008, 5.

²²³ Duchêne 1972, 43.

²²⁴ According to Maull being a post-modern 'force', rather than a modern 'power', in international relations means having both more or less influence than the latter, depending on the context (Maull 2005, 778).

²²⁵ Civilian power concept was developed at least in three waves during the 1970s, 1980s and 1990s. In the end there were several different perceptions and definitions of what this civilian role was actually about.

model for others. However, during the 1980s realist power characterizations were more dominant²²⁶ and created speculations concerning the role possibilities of the EC. The famous realist contribution to the discussion of Europe's global role, Hedley Bull's article, argued that the civilian power Europe idea was a contradiction in terms. According to Bull, the neo-idealist thinking of the 1970s was constructed on a weak foundation. The lack of military instruments would make the EC weak, and its influence was conditional upon a strategic environment provided by the military power of others (the US). Bull argued that Western Europe should be more self-sufficient in security and defence, and not so dependent on the United States.²²⁷ However, the possibility that the EU would acquire military measures was seen to threaten its civilian power self-perception and more general image²²⁸.

The Idea of Normative Power Europe

In 2002, Ian Manners took Hedley Bull's argument as a starting point for his discussion of the international role of the EU. Manners saw that the developments of the 1990s in international relations and in European integration process had led to a reconsideration of both civilian and military power. According to him these notions shared some basic assumptions which had lost their relevance in the post-Cold War context.²²⁹ That is why there was a need for a new kind of role concept that could go beyond the state-centric perspective, and refocus on the ideations and power of norms in international relations. Manners' idea was to give more attention to the EU's ability to "shape conceptions of normal", not to replace former characterizations as unimportant. In Manners' view, normative power was the result of the EU's transformative impact upon the very dynamics of international politics; the Europe's transcendence of the nation-state was reproduced at the global level²³⁰. The normative power formulation was seen to offer a holistic, "outside-the-box" thinking about the purposes of agency, power and policy in this new situation. According to Manners, theorizing about the role of the EU needed to focus more on principles and normative deliberation about what the EU should be doing in the world²³¹. Manners suggested a tripartite analysis for studying the NPE by examining the principles and norms the EU promotes, the actions it takes in this norm promotion, as well as the impact it manages to make in others.²³²

According to Manners, the NPE idea has an ontological dimension, as the most important factor shaping the international role of the EU is not what it does or says, but what it is²³³. The EU's normative identity is central for understanding its role in the world. In Manners' view, the EU's particular difference derives from its historical context, hybrid polity and political-legal constitution which have in the post-Cold War period accelerated a commitment to place universal norms and principles at the centre of EU relations with its member states and the world. In this perspective, the EU's normative engagement is related to its founding principles summarized in the EU Treaties, such as peace, liberty, human rights, rule of law, and democracy. Besides these core values Manners

²²⁶ Orbie 2008, 7.

²²⁷ Bull 1982, 151-153.

²²⁸ See Whitman 2006, 103.

²²⁹ Manners 2002, 236-238.

²³⁰ Bickerton 2011, 26.

²³¹ Manners 2006a, 184 & Manners 2007.

²³² Manners 2012, 195-197.

²³³ Manners 2002, 252.

observes four minor EU principles: social solidarity, good governance, non-discrimination (equality) and sustainable development.²³⁴ These values are inspired by the established international conventions, treaties or agreements, particularly if they are important within the UN system²³⁵. Hence, the promoted norms do not merely represent the EU's own value basis, but are related to a wider normative context. According to Manners the EU is seen as supportive of the creation of norms at the global level²³⁶, and this motive is most evident in those policy areas close to the EU's own value basis, such as the fight against climate change, environmental protection, and the promotion of democracy, human rights and the rule of law.

The EU's assumed normative identity is considered to lead to normative behaviour. According to Manners, the normative constitution of Europe pre-disposes the EU to act in a normative way²³⁷. However, there is no agreement on what actually counts as normative behaviour. It is related to non-coerciveness and ideational justification, which involves persuasion, argumentation and the conferral of prestige or shame. The promotion of norms is more likely to succeed with these measures rather than through coercion²³⁸. According to Forsberg, normative power works by leading through example, persuading others, shaping the discourse and by invoking norms²³⁹. Normative behaviour does not refer only to norm following, as this would not make a difference between actors²⁴⁰. Self-binding through international law is important and also explains why many scholars have conceived the EU as a normative power²⁴¹. Essential for defining normative behaviour is to understand how mechanisms of social diffusion work in practice²⁴². According to Manners the EU diffuses its norms through six different mechanisms. The first is contagion: diffusion of norms that results from unintentional diffusion of ideas from the EU to other political actors²⁴³. For example strong symbolic discourses may be considered worth imitations in other regions²⁴⁴. The ideas and means diffuse to other continents in the form of best practices. Informational diffusion is the result of the range of strategic communications, such as new policy initiatives by the EU, and declaratory communications, such as initiatives from the presidency of the EU or the president of the Commission²⁴⁵. Informational diffusion may persuade others²⁴⁶, but also make public EU commitments and actions in different policy areas. Procedural diffusion involves the institutionalization of a relationship between the EU and a third party. This may happen through enlargement, inter-regional co-operation or when the EU takes membership in an international institution²⁴⁷. The normative elements exist in the agreements,

²³⁴ Manners 2002, 242-243; Manners 2009a, 12; Manners 2006b. The list of core values differs depending on which Treaty text is used. However, there is not much difference in the substance of these values.

²³⁵ Manners 2009a, 12.

²³⁶ European countries have signed most of the 40 documents that constitute the basis of global governance, higher rate than any other power (Laïdi 2008a, 4-5). Zielonka notes how the EU with the US generates around 80% of the international norms and standards that regulate global markets (Zielonka 2011, 291).

²³⁷ Manners 2002, 242.

²³⁸ Manners 2009b, 762.

²³⁹ Forsberg 2011a, 15.

²⁴⁰ Tocci notes how all the states have been based on some normative underpinnings (Tocci 2008, 3-4).

²⁴¹ See Sjursen 2006b, 244-245; Diez 2005, 622.

²⁴² Forsberg 2011a, 1195-1196.

²⁴³ Manners 2002, 244.

²⁴⁴ Manners 2006d, 76.

²⁴⁵ Manners 2002, 244.

²⁴⁶ Forsberg 2011a, 1196.

²⁴⁷ Manners 2002, 244.

however, norm activation is more important²⁴⁸. Furthermore, overt diffusion occurs as a result of the physical presence of the EU in third states and IOs.²⁴⁹ According to Manners, transference takes place when the EU exchanges goods, trade, aid or technical assistance with third parties through largely substantive or financial means. Such transference may be the result of the exportation of community norms or the “carrot and stickism” of financial rewards and economic sanctions²⁵⁰ and this can also be seen as a form of economic power²⁵¹. The EU’s pursuit of world order is often based on commercial imperatives²⁵². How coercive these forms turn out to be depend on those at the receiving end. The final factor shaping norm diffusion is a cultural filter that affects the impact of international norms and political learning in third states and organizations leading to learning, the adaptation or rejection of norms. The cultural filter is based on the interplay between the construction of knowledge and the creation of social and political identity by the subjects of norm diffusion.²⁵³

According to Manners the EU is a normative power also in the sense that it has the ability to shape conceptions of normal in international relations²⁵⁴ by changing norms, standards and prescriptions of politics. Hence, the idea of normative power assumes that the EU really can cause changes in others, a claim which can also be challenged in many respects. It is quite difficult to show to what extent EU policies have been able to change certain actors or their choices. The EU’s ability to achieve normative impacts seems to be the most critical part of the argument. Here, a relevant division can be made between intended and unintended impacts²⁵⁵. Research on the EU’s normative impact has concluded that EU records are mixed, and that the EU is often unable to deliver intended outcomes²⁵⁶. One area of confusion is how the EU impact is actually measured and what counts as an impact. At least in the case of the abolition of the death penalty, Manners notes how the EU aims to raise issues to the international level instead of directly changing government views²⁵⁷. However, normative power works best with those countries that already share values with the EU, or hope to get remarkable benefits from accepting them. It faces challenges with countries such as China and Russia, who do not share EU values²⁵⁸. An international player may full-heartedly pursue normative goals with normative means and still fail to achieve normative results because of an unfavourable external environment²⁵⁹. Larsen has underlined the importance of discursive context for whether and how the EU can exert its normative power²⁶⁰. Normative impact does not depend on intentions only, but it is related to the wider recognition of the ideational legitimacy of an actor. According to Manners, research on normative power impact needs also a longitudinal perspective because normative power works like “water on stone”, not like “napalm in the morning”²⁶¹.

²⁴⁸ See De Zutter 2010, 1109; Forsberg 2011a, 1197.

²⁴⁹ Manners 2006d, 79.

²⁵⁰ Manners 2002, 245.

²⁵¹ Forsberg 2011a, 1196.

²⁵² Smith M. 2011b, 129.

²⁵³ Manners 2002, 245.

²⁵⁴ Manners 2002, 240.

²⁵⁵ See Tocci 2008, 14.

²⁵⁶ Toje 2010, 25.

²⁵⁷ Manners 2002, 248.

²⁵⁸ Mattlin 2010, 8.

²⁵⁹ Tocci 2008, 15.

²⁶⁰ Larsen 2014b, 420.

²⁶¹ Manners 2009c, 2.

2.3 Making Sense of Normative Power Role

Several authors have tried to shed light on the meaning and use of the normative power concept. Sjursen examined the empirical relevance of conceptualisations of the EU as a normative, civilising or civilian power. According to her, the problem is in combining the words “normative” and “power” as power alludes to coercion while normative alludes to legitimacy.²⁶² Tocci studied the criteria according to which any actor could earn normative power status. She claims that every state/organization is capable of everything and that is why it is essential to find the centre of gravity in their behaviour. Tocci ends up demanding all three aspects to be fulfilled by normative actors: normative goals, means and results.²⁶³ Aggestam suggested that the EU could be named an “ethical power” in order to reorient the debate towards what the EU actually does²⁶⁴. Gerrits and others studied the concept of normative power from the temporal perspective, showing how different external aspects have impacted the EU’s role, and how these circumstances have evolved²⁶⁵. Forsberg and the edited volume by Whitman aimed to solve the theoretical and empirical challenges of the concept²⁶⁶. In June 2013, the special issue of *Conflict and Cooperation* marked the first decade of scholarship on normative power Europe through critical engagement with the concept. Despite these efforts, the NPE has remained an essentially contested concept. This section clarifies the use of the normative power concept in this thesis by suggesting two solutions; first, the normative power Europe should be understood as an ideal type, which can guide EU foreign policy. Secondly, the normative power role claim aims to differentiate the EU by creating a unique identity and role for it. In this respect, the legitimacy of this role becomes a key question.

Normative Power Europe as an Ideal Type

The criteria suggested for normative powers are highly demanding; normative power should simultaneously have normative identity, normative interests, normative behaviour, normative means of power and normative outcomes²⁶⁷. The EU may fulfil some of these demands, but it is unlikely that the EU is able to fulfil all of them. Hence, one of the most promising ways to make sense of the normative power Europe (NPE) claim is to interpret it as an ideal type²⁶⁸, which the EU can approximate in more particular issue areas. This ideal type should not be confused with the actual performance of the EU. For example Max Weber, who is often associated with the notion of ideal types, notes that these types are fictional and do not seek to claim correspondence with social reality²⁶⁹. In this respect, ideal types are neither true nor false, but they can be helpful when studying concrete phenomena²⁷⁰. The empirical studies of EU foreign policy reveal that the EU can resemble different ideal types and play different roles, depending on particular policy areas, cases and contexts²⁷¹. For example in peace support operations military and normative actions are closely

²⁶² Sjursen 2006a, 172.

²⁶³ Tocci 2008.

²⁶⁴ Aggestam 2008.

²⁶⁵ Gerrits (ed.) 2009.

²⁶⁶ Forsberg 2011a & Whitman (ed.) 2011.

²⁶⁷ Forsberg 2011a, 1191.

²⁶⁸ Idea outlined by Tocci 2008, Forsberg 2011a and Manners 2012. It is also possible to use the concept of *pure type*.

²⁶⁹ See <http://plato.stanford.edu/entries/weber/#IdeTyp> accessed 30.10. 2015

²⁷⁰ Forsberg 2011a, 1199.

²⁷¹ See for example Whitman (ed.) 2011; Aggestam 2013, 463.

coupled²⁷². It is also possible that from different perspectives EU actions simultaneously resemble different ideal types even in the same policy area or issue. Hence, these ideal types may also be used to study and compare the different perceptions of actors. Perceptions are always based on some cognitive, cultural and historical background assumptions and that is why interpretations of actors may come to different conclusions. When the ideal type global actors matrix (figure 1) is combined with role theory framework, the roles of an actor can be studied as ego-alter combinations.

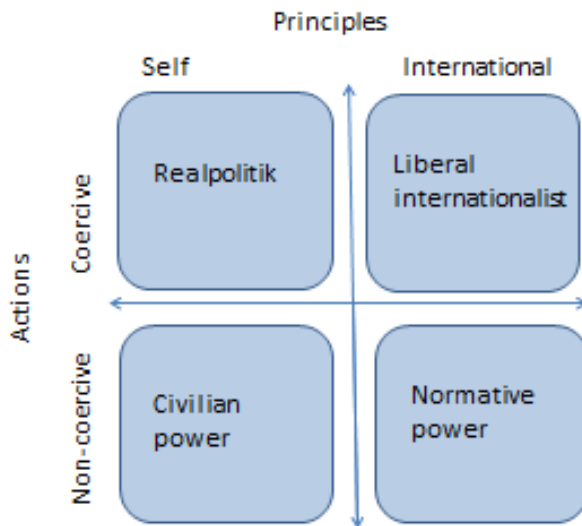


Figure 1: Ideal-type global actors²⁷³

Tocci and Manners have separated four different ideal-types in global politics: normative, realpolitik, imperial and status quo actors. These actor types refer to both actor's objectives and used instruments. An actor can be located by asking whether it promotes more self-understood or more international principles, and whether it engages in more or less coercive actions²⁷⁴. The adopted roles reflect the norms and orientation of the EU as an actor in more particular situations. Hence, roles may vary much more than these ideal-types, and reveal deliberations and contestations. According to Manners, in human rights policies, the EU might be closer to the suggested normative power ideal-type as the focus is on international principles and non-coercive action. In some other policy areas the EU can resemble more realpolitik, imperial or liberal internationalist or status quo (civilian power) ideal type. For Manners the normative power ideal-type has importance even outside these most obvious application areas: when the EU acts less like a normative power ideal-type, the emphasis on aspects

²⁷² Björkdahl 2011, 117.

²⁷³ The figure originally appears in Manners 2012, 199. However, I changed the notion of normative puissance to normative power. According to Forsberg the French words 'pouvoir' and 'puissance' are useful in explaining different dimensions of normative power. Pouvoir refers more to EU capability to cause normative changes in others, while puissance is about what the EU represents, see Forsberg 2011a, 1990-1191. Manners has found this idea beneficial and used it in later articles on normative power, see for example Manners 2012.

²⁷⁴ Manners 2012, 198-199, see also Tocci and Manners 2008, 304-306. Instead of ideal type, Nicholaïdis and Howse talk about EUtopia (Nicholaïdis & Howse 2002).

of this ideal may help to ensure that the parallel use of material incentives or physical force is utilized in a more justifiable manner.²⁷⁵ He seems to refer to the normative use of the concept, to some “superego of the EU”, which succeeds to influence the EU’s overall foreign policy conduct. In this respect, the normative ideal type can also be defined as a more general meta-role of the EU²⁷⁶.

However, there are also many problems related to the assumed EU’s more general role as a normative power. First of all, the EU’s role as a normative power is often supported by referring only to those policy areas where its appearance is most likely, such as climate or human rights policy. According to Woods the EU inactions or failures as a normative power are often underestimated or overlooked in the literature²⁷⁷, even if these could provide important insights of its role enactment. In this sense, there is not enough evidence for claiming that the EU generally plays a normative power role. Secondly, the actor’s foreign policies may also vary remarkably in a longer timeframe, or depending on a particular case. The EU may, for example, diffuse its human rights norms more coercively when dealing with weaker parties, where the power relation is more asymmetrical. For example De Zutter makes separation between cosmopolitan, soft imperialist and despotic normative powers depending on the nature of norms and used instruments²⁷⁸. In the figure above, these forms would correspond with several types of actorness: the Normative power, Liberal internationalist and Realpolitik. Hence, much also depends on the nature of possible norm-takers, and the EU might even apply different instruments in the same case because the reactions of others may change. The EU could first use more positive diplomatic instruments, such as declarations, to point to specific human rights violations. However, if violations continue or get worse, more coercive instruments, such as decreasing EU aid, could be applied. This context dependence seems to suggest that EU roles always reflect its situated actorness²⁷⁹, where different preconditions shape more general ideal-types into concrete role-playing.

The EU’s Normative Difference

As Keene notes, a crucial theme of the normative power Europe thesis has been to stress the difference that exists between the EU and other international actors²⁸⁰. The normative power approach can also facilitate comparisons of state and non-state entities over time and space²⁸¹. The claims of the EU’s normative difference need comparisons with other actors, which could demonstrate the difference in practice. The difference of the EU can be based on the difference of its policy instruments. In this respect, the main other for the EU’s normative power role has been the US²⁸², even if US foreign policy is at least as normatively driven and infused by moral argumentation as the EU approach.²⁸³ In the beginning of the 2000s the attempts to construct the EU’s role were closely related to the launch

²⁷⁵ Manners 2012, 193-194.

²⁷⁶ For example Bengtsson and Elgström use the normative power idea as a meta-role of the EU (Bengtsson & Elgström 2011, 114-115).

²⁷⁷ Woods takes the example of energy politics to prove the EU’s failure as a normative power (Wood 2009.) The EU’s normative power image is also contested in trade and development policies, where different preferential trade agreements and the protection of internal EU markets make the EU a less credible normative actor.

²⁷⁸ According to her, these norms can be universal, universable or particularistic, see De Zutter 2010, 1118-1119.

²⁷⁹ Aggestam 2006, 26.

²⁸⁰ Keene 2013, 277.

²⁸¹ Manners 2013, 307.

²⁸² Kagan 2003; Diez 2004, 330; Diez 2005, 621; McCormick 2007, 166-169; Smith M. 2011b.

²⁸³ Sijursen 2006a, 171.

of US National Security Strategy²⁸⁴, and its following foreign policy direction. For example the stress on “effective multilateralism” in the EU Security Strategy of 2003 could be interpreted as a direct response to US unilateralism during the George W. Bush administration. However, because the EU and the US share many goals and values²⁸⁵, the comparisons with the US cannot be made in an exclusionary manner. These differences are more likely to be found from different policy areas. Scheipers and Sicurelli have studied the difference between the EU and the US in the institutionalization of the ICC and in the agreement on the Kyoto Protocol. According to them, the difference is based on four features; the EU is a supporter of multilateralism while the US is unilateral actor, the EU defends and sponsors international law while the US is a laggard, the EU uses mainly diplomatic measures while the US is prone to use military power and finally, the EU sees its values as universal in reach and validity²⁸⁶. Michael Smith also notices these differences, and underlines how these are used to modify the self-understandings of the actors. According to him, transatlantic relations reflect a series of cross-cutting and intersecting differences rather than stark contrasts. Smith finds it more accurate to say that these models overlap and compete, as both represent different forms of self-exceptionalism.²⁸⁷ What seems to be important here is that these actors are seen as different even if they would not differ that much in reality.

Another relevant aspect of difference is the EU’s claimed commitment to universal principles. Making difference between the EU and more geographically or normatively distant others is perhaps more concentrated on seeing these others as violators of universal principles and in need of change. When the EU is compared with China, India and Russia, it can be noticed that all of these powers have their own conceptions of normative²⁸⁸. Here an important difference can be made between actors who diffuse norms for a power’s own interests and for normative ends²⁸⁹. For example, China and Russia defend state sovereignty and do not often support acts which would threaten this²⁹⁰. During the Ukraine crisis Russia’s image as a power player has become more evident, even if it has tried to re-brand itself with a variety of normative arguments²⁹¹. Also different histories and attitudes make these powers different from the EU. In the case of India and China a different history and philosophy, as well as experiences of colonial past, affect the processes of othering. In their case treating others as equals is the cardinal virtue and end in itself²⁹². While the EU claims to prioritize compliance with rules through “logic of appropriateness”, China asserts the practice of interaction through the “logic of relationships”²⁹³. These powers are also presented as more traditional types of actors in global politics. China, Russia and India are all very keen to defend the principle of non-intervention and non-interference, even at the cost of human rights violations. The clearest difference between the EU

²⁸⁴ The US National Security Strategy September 2002.

²⁸⁵ However, it should be noted that there are differences in the interpretation of values too (for example in the cases of the death penalty and environmental values).

²⁸⁶ Scheipers & Sicurelli 2007.

²⁸⁷ Smith M. 2011b, 138-139.

²⁸⁸ See Tocci & Mannes 2008, 300-301.

²⁸⁹ Mannes 2008.

²⁹⁰ Tocci & Mannes 2008, 307.

²⁹¹ Makarychev 2008, 156.

²⁹² Womack 2008, 267.

²⁹³ Kavalski 2013, 251.

and these powers occurs when their acceptance of international law instruments are compared. However, also the consistency and compliance with these norms should be included in the analysis.²⁹⁴

Finally, the difference of the EU is also often related to its own institutional and multilateral form. Zielonka notes how EU practices differ from the practices of the US, China and Russia because the EU's governance system is different. According to him, the EU is better suited to creating institutional structures and setting up rules of legitimate behaviour than swift and bold power projection.²⁹⁵ The deliberative nature of the EU's foreign policy and its own multilateral form are considered to make it a natural partner in multilateral practices and co-operation. However, from a more critical perspective the EU's normative difference is not its own choice, but a consequence of its lack of other choices²⁹⁶. It is also essential that those third parties, for example other states and NGOs, who work with the EU, back up this claimed difference. Thus, in order to find out whether the EU is really different, more precise empirical studies in different issue areas and international institutions are needed. The reactions of others are the main target of normative power efforts²⁹⁷.

2.4 The Legitimacy of the EU's Normative Power Role

According to Bickerton the debate around the idea of the EU as a normative power has crystallized around the question of *legitimacy*²⁹⁸. Legitimacy is related to both substantial and procedural matters²⁹⁹ in EU foreign policy. Legitimacy as a multidimensional concept refers to established rules (international law), moral justification of practices and expressed consent by possible norm-takers³⁰⁰. Legitimacy is always related to a specific social setting, which makes legitimacy claims meaningful. Internationally this setting refers to the controversial notion of international society. Resorting to the language of legitimacy has increased in the post-Cold War era, and the UN has been the centre of legitimacy talk³⁰¹. At the UN it is possible to achieve approval or disapproval from a large number of other states. The UN has also provided an important forum for the EU to search for legitimacy for its foreign policies. At the international level the legitimacy of the EU is related on the one hand to "rightful membership" and on the other hand to "rightful conduct"³⁰². First of all, the EU must be recognized as a legitimate participant. This is not simple because usually such recognition has been given only to sovereign states and hence, individual EU member states. Comparison to states also makes the EU legitimacy debate difficult, as its agency is more complex and still in the process of making³⁰³. Secondly, the EU must be seen as acting "rightfully", which includes following shared norms with legitimate measures or instruments.

²⁹⁴ Tocci & Mannes 2008, 328-331; De Zutter 2010, 1109.

²⁹⁵ Zielonka 2011.

²⁹⁶ Kagan 2003.

²⁹⁷ See Kavalski 2013, 250.

²⁹⁸ Bickerton 2011.

²⁹⁹ Clark 2005, 21.

³⁰⁰ Beetham 2013, 16-20.

³⁰¹ As Smith notes, this is rather surprising as the statements made at the UN (excluding the Security Council) cannot bind its member states or force them to cooperate with the UN (Smith K. 2013, 66).

³⁰² Clark 2005, 26-29.

³⁰³ Čmakalová & Rolenc 2012, 267.

The Normative Power role seeks legitimacy for EU foreign policies through norms. According to Manners, normative power should primarily be seen as legitimate in the principles being promoted. This legitimacy may come from previously established international conventions, treaties, or agreements, particularly if they are important within the UN system.³⁰⁴ From the perspective of legitimacy, the norms the EU promotes must have universal rather than particular content. Sijrsen notes how the idea of cosmopolitan rights could provide legitimacy for the EU's foreign policy in the eyes of global audiences. However, this would require that there is a broad public debate where all those affected could be heard. The set of norms should be recognized as just by all the parties³⁰⁵. Achieving this kind of legitimacy for the EU norms face several difficulties. The NPE role seems to take for granted that the EU's values and norms are accepted by other actors. However, those countries dependent on the EU's economic support may perceive the EU's value promotion as a new form of imperialism. The normative power role suffers from Europe's colonial past and countries in the global South are suspicious of it. These challenges become highly visible at the UN, where the division between the North and South prevails. Furthermore, cultural differences, as well as differences in interpretations of issues make EU efforts to find legitimacy for its norms difficult.

The legitimacy of normative power is also related to the practices through which the EU aims to diffuse norms. For example, overt diffusion happens when the EU is physically present in different kinds of international institutions. In these institutions the EU delivers its statements and this may lead to informational diffusion of norms. From this perspective the multilateral approach is an essential aspect in finding legitimacy for EU policies, and that is why the EU commitment to "effective multilateralism" is clearly stated in the European Security Strategy (2003)³⁰⁶. With this commitment the EU refers to its aims to contribute to the development of stronger international society, well-functioning international institutions and a rule-based international order. Especially strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a stated EU priority.³⁰⁷ The most obvious examples of the EU's multilateral dedication can be found from environmental and human rights governance³⁰⁸. In these policies, the EU has been at the forefront and aimed to cooperate with others by promoting dialogue. However, according to Manners and Diez multilateralism has not only instrumental but intrinsic value for the EU order, very much compatible and in congruence with the European values, self-images, and principles that arguably dictate the European political action at the international level³⁰⁹. The EU-UN partnership documents underline how the EU considers the UN as the most important global institution that can promote peace, equality, democracy, human rights and sustainable development. Even if the results are not always promising, the EU finds the UN important for the maintenance of debate and dialogue. Hence, at least the EU rhetoric is ambitious and it spends considerable efforts to find legitimacy internationally. The reform of the UN system in particular is considered to constitute a critical test for the assessment of the EU's more principled-based multilateral credentials.

³⁰⁴ Manners 2009c, 2.

³⁰⁵ Sijrsen 2002, 495; Sijrsen 2006c, 92.

³⁰⁶ *A Secure Europe in a Better World*, European Security Strategy 12 December 2003. The split between EU member states over the US-led invasion of Iraq in 2003 highlighted the need for a common strategic vision to enhance internal cohesion at EU level. This strategy outlined the key threats of the EU in the coming years.

³⁰⁷ European Security Strategy 2003, 9.

³⁰⁸ See Wouters et al. 2012.

³⁰⁹ Lucarelli & Manners 2005, in Blavoukos & Bourantonis 2011a, 7.

The last aspect of EU legitimacy is the consent of those at the receiving end of EU norm-diffusion. An ego-dominated role conceptualization, such as the normative power role, is characterized by the rejection of social obligations: the actor constructs itself as prior or above the obligations of the wider environment³¹⁰. However, in order to achieve legitimacy for this role, one needs to take into account others' opinions and the alter side of the role. As Kavalski notes, normative powers are only those actors who are recognized as such by others³¹¹. Other's perceptions either support or undermine the general designation of the EU as a normative power. Even if the relevance of others' perceptions for the NPE formulation are increasingly noticed, there has been no systematic analyses where this aspect would have been incorporated to the EU role debate³¹². The important question turns out to be, do "outsiders" share the EU's self-image as a normative power, and whose perceptions should be investigated in the first hand? When the EU's self-image as a normative power is used as the starting point for the analysis, others can be grouped by looking at power relations and normative closeness to EU values and principles. It is likely that those who mainly share the EU values and norms will support EU positions. Finding legitimacy among those others who interpret norms in a different manner would be far more difficult. The possible difference between the EU's self-representation and outsiders' various perceptions may partly explain the (in)effectiveness of EU policies.

2.5 Normative Power Role in Temporal Perspective

Roles are often related to certain time periods and historical contexts, and also the normative power role must be considered from a temporal perspective³¹³. In general, civilian and normative power concepts characterize the EU as a positive contributor to the world order, a kind of force for good. However, if we consider the emergence, success and decline of these roles, it seems evident that the zeitgeist of a certain historical moment has much to do in explaining their success³¹⁴. The EU role conceptions are not developed in a vacuum; they are answers to a changing external environment. Hence, even if specific foreign policy roles are rather stable, they might change due to role conflict, which occurs when the conditions and context where they were originally formulated evolves. For example, major changes in the environment are likely to create instability of role conceptions. Roles may also change if their contents, in terms of norms and objectives, are considered inconsistent.³¹⁵ This section introduces how some external and internal developments have facilitated and supported the normative power formulation. Furthermore, the debate about the EU role is closely related to wider debates in international relations theory. Originally, the need to engage with normative and critical social theory inspired the creation of normative power concept³¹⁶. The context for such role claims has changed, in reality and in theory. Structural changes in the international system have problematized the EU's capacities to act as a normative power. The EU does not represent the only example for others, and in order to be successful it needs to get rid of the Eurocentric attitudes and develop the capabilities to listen to others. At the theoretical level after the first decade of scholarship

³¹⁰ Beneš & Harnisch 2014, 4.

³¹¹ Kavalski 2013.

³¹² One recent example where the two debates have been combined, see Larsen 2014a.

³¹³ About the temporality of agency and structures more generally, see Patomäki 2012a.

³¹⁴ Gerrits 2009a, 4.

³¹⁵ Aggestam 2006, 23–25.

³¹⁶ Manners 2012, 226–227.

on normative power Europe, a more critical approach and varied use of the concept has developed which have taken the concept beyond its original ambitions³¹⁷.

The NPE concept was also developed to serve the function of creating debate about what the EU should do in the world. Manners' answer was clear; the EU should act to extend its norms into the international system³¹⁸. This would serve not only the EU, but also the wider global community by creating stability and security. The normative power debate was launched when the EU was at its most successful in terms of shaping understandings in those fields central to the concept³¹⁹. The possibilities to export EU norms to accession countries and to wider neighbourhood seemed tremendous. At that time the EU was regionally also highly successful in its norms diffusion efforts. Overall, the European integration project could be considered as a success story of realizing the normative ideals regionally, such as peace, democracy, rule of law, and human rights. The EU also received the 2012 Nobel Peace Prize because of its historical achievements in creating stability and peace in Europe. However, the prize was received in a critical moment; the EU's ability to enforce its norms and values at home was diminished due to the economic crisis and following social problems. The EU model and values were not necessarily perceived as persuasive, not least because of its economic problems. Expanding the EU's regional success into the global sphere looked even more challenging. The EU's future power and role in the world cannot rely only on its past prominence³²⁰. The EU's persuasiveness has been largely based on the economic success of its model. If this success is not likely, others are not necessarily eager to follow the EU.

The idea of the EU as a normative power had an important legitimacy function in the EU's external action. The end of the Cold War and the collapse of communism led to the reconsideration of the EU's global status. Whitman notes how it was only after the fall of the Berlin Wall that the EU started to reckon with the principles it stands for, and the role it was prepared to play on the international stage³²¹. According to Aggestam, the context of normative globalization enabled the EU to assume a more proactive international role by drawing on an international ethics largely institutionalized within the UN system. This emerging normative international context emphasized responsibility beyond borders and brought issues like human rights, humanitarian intervention, international criminal justice, international economic justice and democracy promotion onto the agenda of foreign policy.³²² Externally the transatlantic relationship was important for the construction of the European identity and role. The terrorist attacks in 2001 and the unilateral choice in US foreign policy under the George W. Bush administration strengthened the EU's image as a faithful UN partner. Toje notes how the normative flair of the EU's foreign policy was a response to, and function of, a unique historical context, namely unipolarity³²³. This is despite the fact that the EU opinions have been divided in many conflict situations and interventions. Even if the transatlantic relationship continues to be central for EU role visions, the historical context and circumstances have evolved. During the Obama administration the US has actively taken part in multilateral organizations and been more careful in

³¹⁷ See Whitman 2013.

³¹⁸ Manners 2002, 252.

³¹⁹ Larsen 2014b, 419.

³²⁰ Nicolaïdis & Whitman 2013, 167.

³²¹ Whitman 2011, 1.

³²² Aggestam 2008, 4; 2009, 26.

³²³ Toje 2009, 37.

the conduct of controversial foreign policy “adventures”. The US does not necessarily work as the most obvious other for the EU any longer, if it ever did. With its current role, the US is more like a partner or competitor to the EU’s role claims.

Favourable internal conditions³²⁴ for the development of normative power formulation should not be dismissed either. The EU capabilities were developed to better cope with the different crises that threatened EU interests and security in the 1990s. The Gulf War and the collapse of Yugoslavia strengthened the momentum already developing in the EC toward a common foreign, security, and defence policy³²⁵. The development of a common foreign and security policy from 1999 onwards emphasized the ambitions to develop a political union and a global force for good. The planned enhancements in the EU’s global actorness had great symbolic value. The debate turned into questions of how the EU role should be characterized. The normative power role seemed to capture well what EU officials aimed to achieve, and the idea was quickly adopted to EU policy discourses. In the decade when the EU was undergoing major changes, this formulation also received legitimacy among domestic audiences. In the case of Eastern enlargement, normative connotations were highly evident. In the 2000s when the EU struggled with Constitutional debate and referendums, the normative power role and increasing global presence could provide new *raison de etre* for the entire integration project.

This short and incomplete list of different conditions shows how a favourable historical constellation supported a more positive role for the EU. However, the circumstances are different in the more post-Western, multipolar world order. It is not at all evident that the EU’s role claims will be accepted by others, or that the EU will have the capability to shape norms in different issue areas. As Manners has noted, the normative power thesis was written in a different era, crystallizing the EU at the end of the twentieth century.³²⁶ This image fits well with the post-Cold War idealistic and liberalist narrative about the prospects of future global order, but the changed global setting is different. It is not clear what the EU should be like, or what it should do. Furthermore, if the results the EU was able to achieve directly after the Cold war did not reflect the efforts made, there is little hope that it will be more successful if the international environment is less friendly³²⁷. Also the nature of current crises may suggest that the EU should be more able to support its norms with stronger instruments. Normative concerns may be important for the EU, but there is also a need to back up these claims with credible means. Another noticeable element of EU’s global power is its economic resources. In this respect, the EU also has more norm competitors in the world, provided by the emerging states, which have succeeded to gain power and success without accepting the liberal values. One evident example is China’s growing presence and influence in Africa. Chinese aid does not contain similar normative conditions as EU aid, which makes China easier partner for the developing countries.

³²⁴ Natalie Tocci separates three conditions for an actor’s normative behaviour: internal political context, internal capability and external environment. (Tocci 2008)

³²⁵ Dinan 2004, 233-234.

³²⁶ Manners 2006c, 168.

³²⁷ Toje 2009.

2.6 Chapter Conclusions

Ian Manners launched the idea of normative power Europe in 2002. Ever since, the normative power concept has been highly influential in European Studies, and it has inspired theoretical and empirical work. At the same time, the concept has been criticized because of its ambiguous nature and often politically motivated promotion. Thus, there is a need to define the use of this concept more precisely. This chapter introduced how the more ideational EC/EU roles were historically constructed. This debate concerned not only what the EU represented, but what it should be like in the future. The normative power idea marked a neo-normative turn in this debate, when it was launched by Ian Manners. This positive vision of the EU was eagerly adopted by many EU policy-makers and it came to reflect the self-image of the EU. As this chapter outlined, the normative power idea relies on the tripartite focus on EU principles, action and impact. Because of the demanding criteria set for normative powers, the NPE idea was interpreted to represent an ideal type. The EU can more or less approximate and reflect this ideal with its more context-dependent role-playing. The normative power idea was also related to the EU's efforts to construct a unique and different identity and role for itself. Comparisons with other actors reflect different aspects, depending on who the other is. The legitimacy claims of this role were also discussed, a theme that has later on become the central preoccupation of the concept. Clearly, the EU role as a normative power is legitimate only if other actors recognize and approve it. The last section noted how the normative power role is a historical construct supported by several internal and external factors.

The idea of the EU as a normative power has been used in areas where its success and explanatory power is most likely. This is not necessarily dangerous, if the more comprehensive understanding of the EU's more various actions in the world is simultaneously maintained. The normative power role can be used to explain the EU's objectives, action and impact in more context-specific areas, such as in human rights policy. However, the normative power role should not be used as a confirming framework, but rather as a critical starting point for analysis. Such a critical approach notices that the focus cannot be only on the EU's self-conceptions, but also alter expectations and recognition of this role needs to be taken into account. Is the EU for example perceived as a promoter of more universal norms, and does the EU apply non-coercive and cooperative methods in this norm promotion? In the following, the normative power role idea is used to study the EU's external human rights policy, an area dear to the EU's own value basis. The EU's self-image as a normative power presents the EU as a supporter of universal rights and active supporter of multilateral, cooperative approaches. The following chapter focuses on how this kind of self-perception is pronounced and supported in the EU's external human rights promotion.

3 The EU's Role in the Global Governance of Human Rights

*The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, rule of law, the universality and indivisibility of human rights and individual freedoms.*³²⁸

After the end of the Cold War the promotion and protection of human rights has developed into one of the key issues in EU foreign policy, underlining and expressing its self-image as a community of values. Today the EU claims that human rights are running as “the silver thread through a truly integrated range of external policies”³²⁹. The constructivist perspective, adopted in this thesis, underlines the power of ideas, the construction of identities, and the diffusion of norms in this process. It also focuses on the interaction between intentional and structural factors in the construction and shaping of EU roles and objectives. This chapter demonstrates how the EU identity and role in human rights has been constructed and how there have been several driving forces behind the institutionalization of this role. EU institutions and some member states have been in a key position as “role entrepreneurs”³³⁰ in the creation and implementation of a strong EU role in human rights. However, roles are not necessarily adopted voluntarily, and the EU may be left with little choice as wider international events limit and shape its possibilities. The external environment may also explain why acting in the name of universal human rights is not always easy. In general, the discourse and implementation of universal values is in a foul wind³³¹, which has also created challenges for the EU's human rights agenda. Even if the EU refers to human rights as universal values, their promotion is closely associated with European identity and history, while breaking these connections would be essential for becoming a more *legitimate* global human rights power³³². Achieving such legitimacy in the eyes of the possible norm-takers is highly important from the normative power role perspective. In order to analyse the normative power role of the EU in human rights this chapter studies the EU definition of human rights and the instruments through which the EU aims to promote these rights. Finally, if the EU aims to be a normative power in human rights, it should also be able to make normative changes in others. However, the implementation of human rights faces several challenges in the global perspective. The final section considers these questions and their possible consequences for the EU's normative power role in human rights.

3.1 The Origins and Institutionalization of the EU Role in Human Rights

First of all, it is important to ask why and how did the EU develop its visible role in human rights? It is possible to see a variety of driving forces for such a role, and often intentional and ideational considerations are prioritized instead of structural origins³³³. Clearly history can provide reasons for

³²⁸ The Lisbon Treaty, article 21.

³²⁹ Catherine Ashton 2011: *Speech on the Annual Human Rights Report to the Parliament*, 13. 12 2011.

³³⁰ Role entrepreneurs are actors who work as important advocates of particular roles, see Sedelmeier 2006, 126-129.

³³¹ Freeman 2011, 119; Hopgood 2013

³³² Kissack 2015. Here legitimacy refers to the acceptance of this role by others.

³³³ Elgström & Smith 2006b, 247.

a strong EC/EU role in human rights. The experiences of the Second World War provided an important impetus for building a strong regional human rights protection system in Europe, where the Council of Europe (CoE), founded in 1949, played a major role. Also the colonial past of some European states influenced the adoption and implementation of the EC/EU's human rights role. Europe has been claimed to be historically responsible for many systematic human rights violations in former colonies³³⁴. The historical context continues to carry significance in the present EU relations with the non-European world, and can help to explain the challenges the EU faces in its efforts. This section studies how the EU role in human rights was influenced by the international, regional and domestic factors as well as how this role was institutionalized within the EU.

The relevance of human rights concerns increased in the 1970s, but only after the end of the Cold war did Western states start to develop international human rights policies as part of their foreign policies. This often meant the adoption of human rights conditionality in agreements with third states. The respect for international human rights law also provided legitimacy; states that did not respect the rights of their citizens placed their national and international legitimacy at risk³³⁵. Regional and international forums provided important forums for pressuring violating states. When national human rights practices became subject to international scrutiny, they were seen as a matter of considerable embarrassment for states³³⁶. The European human rights regime developed to form the strongest international framework for protecting human rights. The Council of Europe (CoE) with 47 member states is the main human rights organization in the continent; its impact on European and domestic human rights law and policy overshadows that of any other international entity³³⁷. The heart of this system is the *European Convention for the Protection of Human Rights and Fundamental Freedoms*³³⁸, which covers civil and political rights, and the *European Social Charter*, which addresses economic and social rights. The European Convention was adopted in 1950, less than two years after the Universal Declaration of Human Rights, which provided its inspiration³³⁹. In both of these Declarations the idea was to prevent crimes against humanity and protect individuals against the atrocities conducted by their own states. The most notable element of the European human rights system is the European Court of Human Rights (ECtHR),³⁴⁰ which is able to exercise binding jurisdiction, and whose decisions create binding legal obligations for states. Many European governments have incorporated the Convention into domestic law and the compliance with ECHR judgments is as effective as those of any domestic court³⁴¹. All EU members have accessed the Council of Europe and ratified the European Convention before their EC/EU membership³⁴². Also the Organization for Security and Cooperation in Europe (OSCE) has important human rights functions in Europe in the area of minority protection³⁴³. This international and regional framework has had high relevance for the development of the EU role by both enabling and restricting it.

³³⁴ See Szigeti 2006.

³³⁵ Donnelly 2013, 217

³³⁶ Donnelly 2013, 171.

³³⁷ Varju 2011, 49.

³³⁸ See http://www.echr.coe.int/Documents/Convention_ENG.pdf

³³⁹ Alston & Weiler 1999, 3.

³⁴⁰ established in 1959, see homepages for more precise reports and statistics on compliance <http://www.echr.coe.int/Pages/home.aspx?p=home>

³⁴¹ Moravcsik 2000, 218.

³⁴² France being the only exception. France ratified the Convention only in 1974, see Smith K. 2008, 112.

³⁴³ See more on human rights activities of the OSCE <http://www.osce.org/what/human-rights>

The EU's global human rights role has also been influenced by the development of its internal *fundamental rights* protection system. Even if it is often claimed that the EU is based on values such as human rights, these were not explicitly mentioned in the founding treaties. The early European integration process prioritized economic integration, and only a limited number of rights³⁴⁴ were mentioned in the Rome Treaty. Whether the idea and spirit of human rights was already there in the beginning has divided scholarly opinions. For example, according to Williams, this discourse was deployed only retrospectively, as a foundation myth, to authenticate the integration process.³⁴⁵ However, there were also practical reasons for the exclusion. The Council of Europe was already protecting rights, and there was no urgent need to include human rights competences for the EC organs. Some member states were also reluctant to include political provisions in the treaties. Schimmelfennig shows how the institutionalization of human rights in the EC/EU was actually the unintended outcome of judicial competition in Europe, rather than any result of conscious and planned “federalist” process of constitution making. Multiple processes of rhetorical entrapment entangled European constitutional courts in a system of human rights protection, which increased the venues open to individuals to secure their rights.³⁴⁶ In each of the treaty revisions the importance of human rights has increased³⁴⁷. The Amsterdam Treaty strengthened the EU's internal human rights regime by explicitly making a strong commitment to democratic principles and human rights one of the principal characteristics of the EU. It also incorporated the Social Chapter, which allows for Community decision-making in areas such as improving working conditions, freedom of association, and the consultation of workers³⁴⁸. The Amsterdam Treaty also made it possible to apply negative measures, even the suspension of EU membership in the case of human rights violations. The most important internal EU document for human rights protection is the *European Union Charter on Fundamental Rights* (EUCFR), which was declared in 2000 and became legally binding through the Lisbon Treaty. The EU Agency for Fundamental Rights (FRA), a specialized independent body of the EU, was created in 2007 to ensure this protection³⁴⁹. This internal context and different sources play a relevant role when the EU performs its human rights role externally.

The EU role as an external human rights promoter and protector has a relatively short history, and all the above-mentioned levels are relevant in its gradual institutionalization. Though human rights were one of the first topics on the European Political Cooperation's (EPC)³⁵⁰ agenda, the first formal common statement concerning human rights promotion was made in July 1986 by EC Foreign Ministers. According to this Declaration on Human Rights:

The Twelve seek universal observance of human rights. The protection of human rights is the legitimate and continuous duty of the world community and of nations individually.

³⁴⁴ These rights were mainly associated with citizen's rights as economic actors (worker's rights including also gender equality).

³⁴⁵ Williams 2004, 157-159; Williams 2010, 110.

³⁴⁶ Schimmelfennig 2006, 1262.

³⁴⁷ Wetzel 2011, 8.

³⁴⁸ Smith K. 2008, 113.

³⁴⁹ See <http://fra.europa.eu/en>

³⁵⁰ European Political Cooperation was the name for EC foreign policy coordination launched in the 1970s. It mainly focused on information sharing and the harmonization of member states' positions. It was superseded by the Common Foreign and Security Policy in the Maastricht Treaty.

*(...) Respect for human rights is an important element in relations between third countries and the Europe of the Twelve.*³⁵¹

The Declaration noted human rights promotion as a legitimate foreign policy concern without setting clear measures for such action. A more concrete step was the establishment of the Council's Working Group on Human Rights (COHOM) in 1987. It took responsibility for developing a human rights policy, increasing cooperation, and ensuring that human rights aspects were taken into account in the EC's cooperation agreements³⁵². First the EC promoted a non-political and neutral approach, and using aid or trade agreements for punishing third states was not considered acceptable.³⁵³ However, soon this neutrality was abandoned as the human rights violations of some of the EC's partners got public attention³⁵⁴. Especially the European Parliament was active in suggesting sanctions against human rights violators, and promoted political conditionality³⁵⁵. Karin Arts notes how the Parliament adopted the "role of conscience" by overseeing EC actions in other countries³⁵⁶. At the same time, the member states were reluctant to see strong collective action, as they feared that increased EU competencies would diminish national competencies and the freedom to manoeuvre in human rights.

In the 1990s, the EC/EU followed the example of some of its member states by elevating human rights and democracy concerns in its bilateral relations. By introducing political conditionality, the EC was accompanying the international consensus on aid conditionality.³⁵⁷ Economic instruments were increasingly seen as an effective means to diffuse norms, and they formed the basis for exerting pressure on third countries. Adopting conditionality was also necessary because the amount of EC aid beneficiaries increased³⁵⁸. The Lomé IV agreement with ACP countries (1990-2000) marked the beginning of conditionality in EU development policy. In the European Council Declaration on human rights in 1991, the Council reaffirmed how "respecting, promoting and safeguarding human rights is an essential part of international relations and one of the cornerstones of European cooperation as well as of relations between the Community and its member states and other countries"³⁵⁹. The practice of conditionality became widespread, and in the beginning of the 1990s human rights clauses were already applied to most EU trade, aid and association agreements with third parties. A more immediate motivation for strengthening human rights role arose with the collapse of communism and the following desires of Central and East European countries (CEEC) to "re-join Europe". The EU shifted its development priorities from the ACP countries to these transition

³⁵¹ Declaration on human rights, meeting of foreign ministers, Brussels 21 July 1986, see <http://ec.europa.eu/dorie/fileDownload.do?sessionId=LK9yPhMLvLLnMQhTQ6vYKWP4cv1pytVXYtTfTphQ2Qjn1pL0r0rcs11139521418?docId=151326&cardId=151326>

³⁵² About the COHOM mandate see http://www.consilium.europa.eu/uedocs/cmsUpload/COHOM_mandates.pdf

³⁵³ Smith K. 2001, 186; 2008, 116.

³⁵⁴ In the 1970s problems occurred in (Lomé I) bilateral relations with Uganda, Central African Empire and Zaire, see Fierro 2003, 43-46. In the 1980s South Africa (1985-86) and China (1989) were under EC criticism mainly because of public pressure for action.

³⁵⁵ Smith K. 2008, 118-119.

³⁵⁶ Arts 2000, 119.

³⁵⁷ Smith K. 2008, 120-121; see also Fierro 2003, 71. France (in 1990), the UK (in 1990) and Germany (in 1991) announced that democracy and human rights considerations would guide its aid allocation. For a comprehensive introduction to the EU's practice of human rights conditionality, see Bartels 2005.

³⁵⁸ Fierro 2003, 75.

³⁵⁹ European Council, Luxembourg, 28-29th June 1991 annex 5, see http://www.europarl.europa.eu/summits/luxembourg/default_en.htm.

countries. Relations with the CEEC were fragile at first, and some member states were reluctant to take risks that could possibly endanger promising political and human rights processes in these countries.

Democratic conditionality used in enlargement negotiations spilled over to EU external relations more generally. According to Sedelmeier, the case of Romania was crucial in this process. The EU did not want to point a finger too directly towards the Romanian government, so it decided to apply conditions on a more general basis³⁶⁰. In 1993, the European Council set accession conditions (the Copenhagen criteria) for Community membership, and the applicant countries came under considerable scrutiny. The criteria included political and economic conditions, and the acceptance of the Community acquis³⁶¹. The EU signed 12 association agreements between 1991 and 1996, in which it underlined the importance of respect for human rights, democracy and rule of law as criteria for EU membership. The emphasis on human rights and democracy was so strong that the process of eastern enlargement can be considered as the driving force behind the increased EU role in human rights³⁶². The promotion of human rights, democracy and the rule of law also formed the core of the EU's policies towards its wider neighbourhood. The EC's neighbourhood saw post-Cold war activism in their relations to the EU, notably in the Mediterranean area.³⁶³ The neighbouring countries were not considered to achieve EU membership in the near future, but they were still closely tied to similar conditions in their partnership and cooperation agreements.

Thus, the EU's role as an external human rights promoter developed first through its relations with the ACP states, then in the context of EU enlargement, and finally in relations with the EU's wider neighbourhood. In these cases the EU was well positioned to have influence because of a shared history and its comprehensive set of instruments. Successes and failures with these partners are also in a key position when EU credibility as a normative power is considered. In the enlargement process, the EU succeeded to be an influential norm exporter but the impact in the Neighbourhood was more modest or weaker than expected³⁶⁴. By the time of the fiftieth anniversary of the Universal Declaration of Human Rights, in December 1998, the EU could claim that the promotion of human rights had become a well-established foreign policy objective:

*The Union assumes its responsibility for the promotion and protection of human rights as a legitimate concern of the international community, while reaffirming that this protection and promotion remain the primary responsibility of each and every government.*³⁶⁵

However, while the EU became more certain of its role as a human rights defender and promoter in the world, scholars and human rights organizations saw the EU's human rights policies far from

³⁶⁰ Sedelmeier 2006, 121.

³⁶¹ See http://europa.eu/legislation_summaries/glossary/accession_criteria_copenhagen_en.htm

³⁶² Sedelmeier 2006, 118.

³⁶³ Bicchi 2007, 129.

³⁶⁴ See for example Björkdahl 2005; Panebianco 2006, 150; Barbé & Johansson-Nogués 2008.

³⁶⁵ Declaration of the European Union on the occasion of the 50th anniversary of the Universal declaration on Human Rights, 10 December, Vienna, 1998.

comprehensive³⁶⁶. The internal EU human rights situation, as well as the particular historical context, were setting a need for a new approach. The main point of criticism was that even if the EU presented itself as a staunch defender of human rights, it actually lacked a comprehensive and coherent policy on internal and external levels. The *Leading by example* report, criticized the EU's human rights rhetoric, which did not correspond to the actual policies, splintered in several directions, lacking leadership and a clear profile. Hence, the new leitmotif of the EU human rights policy should be leading by example, following the title of the report.³⁶⁷

In 2001, the Commission presented the Communication on the EU role in promoting human rights and democracy³⁶⁸. According to this “the EU has both influence and leverage”³⁶⁹ to further human rights and it needs to “place a higher priority on human rights and democratization in the EU's relations with third countries and take a more pro-active approach”. The Communication also stressed the importance of coherence and consistency, and of mainstreaming human rights into all areas of the EU's external relations. In 2004, the Commission published an evaluation report³⁷⁰ according to which many key goals had been realized as human rights and democratization issues were seen to play an important role in EU policy-making, dialogue, and co-operation with third countries. It also noted how engagement with civil society had improved significantly during the period³⁷¹. However, it took almost ten years and several background papers to achieve a common EU approach. In 2012, the EU adopted the Strategic Framework on Human Rights and Democracy,³⁷² which responded to demands for a more strategic perspective to human rights policy³⁷³ and set out the EU's vision by establishing a detailed list of 97 actions. The key messages of this Strategy were: human rights throughout EU policy, promoting the universality of human rights, pursuing coherent objectives, human rights in all EU external policies, implementing EU priorities on human rights, working with bilateral partners, working through multilateral institutions, and the EU working together. It needs to be noted that 58 actions of the Action Plan have relevance mainly internally and only 14 involve interaction with third states.³⁷⁴ However, this was the first time that such a unified strategic document was adopted, providing a basis for a collective effort. The first EU Special Representative (EUSR) on Human Rights was named and he took office in September 2012³⁷⁵.

³⁶⁶ Alston & Weiler (1999) remains the most wide-ranging survey made concerning the role of the EU in relation to human rights. The analyses in this book were originally prepared for the Comité des Sages report *Leading by Example* which was to set the Agenda for the EU for the year 2000. Both resulted from a project designed to contribute to the commemoration of the fiftieth anniversary of the UN Universal Declaration of Human Rights.

³⁶⁷ *Leading by Example: A Human Rights Agenda for the European Union for the Year 2000*, annex in Alston et al. 1999.

³⁶⁸ Communication from the Commission to the Council and the European Parliament - The European Union's role in promoting human rights and democratisation in third countries, 8.5. 2001, see http://eur-lex.europa.eu/legal-content/EN/ALL/;ELX_SESSIONID=yKQxJS5ZJHhGxb2ssbptyZKKlnhgJBGVJbXJqFK4JsvvTvJ2d5kb!599138982?uri=CELEX:52001DC0252

³⁶⁹ Interestingly, the Communication refers to “EU's substantial political and moral weight”.

³⁷⁰ Commission Staff Working Document (2004): *Implementation of the Commission Communication on the EU's Role in Promoting Human Rights and Democratisation in Third Countries*, 30th July 2004.

³⁷¹ *ibid.* p. 18.

³⁷² Council of the European Union (2012): *EU Strategic Framework and Action Plan on Human Rights and Democracy*, 25th June 2012.

³⁷³ See for example Dennison & Dworkin 2010.

³⁷⁴ See Moberg 2015.

³⁷⁵ The first EUSR on human rights is a former Minister of Foreign Affairs of Greece and a former Vice-President of the European Parliament, Mr. Stavros Lambrinidis, who served in this function from September 2012 to June 2014.

3.2 EU Definition of Human Rights

The homogeneity of Europe in human rights issues is often taken as a self-evident starting point, but as Leino-Sandberg notes, there is no uniform tradition of rights in Europe.³⁷⁶ The multi-layered European human rights regime (the Council of Europe, ECHR, EU, EUMS) is increasingly moving into a closer “human rights community” with intra-systemic communication and hierarchical orders.³⁷⁷ This section studies the EU definition of human rights and shows its special characteristics in relation to the global human rights regime. First of all, inside the EU regime a difference must be made between the concepts of *fundamental freedoms*, *fundamental rights* and *human rights*. Fundamental freedoms refer to the four freedoms to move goods, persons, services and capital within the EU internal market. Secondly, the EU Charter of Fundamental Rights, (EUCFR) provides the internal interpretation of (fundamental) rights, while the concept of human rights refers to external EU policy and purposes.

The Strategic Framework on Human Rights and Democracy (2012) provides the principles, objectives and priorities that should guide the EU’s action. The general EU objective is to defend the universal nature of human rights and speak against any attempt to undermine them. Secondly, the EU aims to further universal human rights standards through its external action: “the EU will intensify the promotion of ratification and effective implementation of the key international human rights treaties, including regional human rights instruments”³⁷⁸. The more specific EU human rights guidelines express the shared EU priority themes in human rights promotion. In 2014, these guidelines included issues like the death penalty, torture, the freedom of religion and belief, LGBTI rights, human rights dialogues, children and armed conflicts, human rights defenders, rights of the child, violence against women and girls, international humanitarian law, and freedom of expression³⁷⁹. This list suggests that the EU prioritizes civil and political rights, as member states often find it easier to agree on them. Even if the EU has increased its emphasis on economic, social and cultural rights at least on policy papers, clearly coherence in this field is still lacking. According to the EU position, the enjoyment of economic rights is closely related to the political freedoms of individuals. That is why within the EU human rights promotion, additional goals concerning the functioning of the state, democracy³⁸⁰, good governance and respect for the rule of law, are often bundled together.

The EU interpretation of human rights draws from the UN Universal Declaration of Human Rights and the International Human Rights Covenants, which also provide legitimacy for it. Even if the EU human rights definition draws from wider universal treaties and standards, it also has more specific European traits. These may be used to distinguish the EU approach from the wider international human rights regime. There are at least five different features that can provide a basis for particularity;

- 1) The **importance of social and economic rights**. This particular interpretation underlines the social democratic traditions of many EU member states, which has also led the EU to pay

³⁷⁶ Leino-Sandberg 2005, 487.

³⁷⁷ Varju 2011, 49.

³⁷⁸ EU Human Rights Strategy 2012.

³⁷⁹ See EU Human Rights Guidelines: http://eeas.europa.eu/human_rights/guidelines/index_en.htm

³⁸⁰ Democracy remains an aspiration that is not clearly defined in EU documents.

greater attention to social matters³⁸¹. The economic nature of the Communities laid special emphasis on economic and social rights³⁸². This emphasis diverts the EU perspective from the US, which has always been suspicious of State intervention³⁸³. The EU has also actively aimed to promote labour standards and monitored their enforcement in the International Labour Organization (ILO)³⁸⁴. The EU's emphasis on social and economic rights has been, however, less evident in its external human rights policy, even if their importance has been proclaimed, especially after the 2012 Human Rights Strategy³⁸⁵. The rights-based approach to development cooperation may also increase the EU's focus on the implementation of economic and social rights.

- 2) The second important feature in the EU definition of human rights is the **prohibition of the death penalty**. This is one of the issues where the EU and its member states have been most active in the international human rights regime³⁸⁶. Especially at the UN, the EU role has been functionally significant in the drafting of resolutions on the prohibition of the death penalty³⁸⁷. The international pursuit of the abolition of the death penalty was also considered an exemplary case of the EU's normative power role by Manners³⁸⁸. It is also one evident example where the EU interpretation of human rights differs from the US approach.
- 3) **The limited protection of minorities**. The issue of minority protection acquired an important role in the EU's external relations in the 1990s towards its potential member states³⁸⁹. However, the EU's external demands did not follow the establishment of an internal EU minority standard³⁹⁰. Here the EU reference to OSCE and Council of Europe norms has been the rule, as EU member states have disagreed about the substance and application of minority standards. Europe has a tradition of refusing any classification of citizens, which explains the uneasiness to face questions concerning European minorities³⁹¹. For example, France has not ratified documents on minority protection, because it is reluctant to separate different ethnic minority groups. At the same time, the EU Charter is rather progressive in the case of the rights of sexual minorities³⁹². This clearly marks a difference in comparison to more conservative and religious norm regimes.

³⁸¹ Balducci 2013, 191.

³⁸² Betten & Grief notice how the attitude towards social rights was high in the 1980s, even if member states were not unanimous (the UK resisted) when the *Community Charter of the Fundamental Social Rights of Workers* was drafted in 1989 (Betten & Grief 1998, 70). This Charter, even if not legally binding, had high symbolic value as a clear and solemn manifestation of the social dimension of the European integration (Samuel 2011, 23).

³⁸³ Leben 1999, 95.

³⁸⁴ This is despite the less obvious outcomes achieved in terms of ratification of EU promoted standards, see Kissack 2008a; 2010, 33.

³⁸⁵ The EU aims to promote these rights in several fields, such as in development cooperation where the rights-based approach is the key objective for the years 2014-2020.

³⁸⁶ Balducci notes that the ECHR has played an important role in the elimination of the death penalty among all EU member states, Balducci 2013, 191.

³⁸⁷ Internationally the EU and its member states have actively campaigned for the abolition of the death penalty for example at the UN Third Committee, UNCHR and later on at the HRC, see Kissack 2008b, 105-106 and 117-118.

³⁸⁸ Manners 2002.

³⁸⁹ Especially because of the experiences of the Yugoslav crisis and accession negotiations.

³⁹⁰ Lerch & Schwellnus 2006, 313-314.

³⁹¹ Leben 1999, 96.

³⁹² See Lorenz et al. 2013, 164.

- 4) According to Manners, the EU interpretation of human rights stresses the **associative nature of human rights**, referring to the interdependence between individual and collective rights³⁹³. The promise of associative rights to individuals is the most effective means of their empowerment in a polity. Three rights are of special importance in this respect: the right to petition for the redress of grievances, the right to freedom of assembly, and the right to the freedom of association.
- 5) **Secular** interpretation of rights. As Larsen notes, human rights themselves are the *sacred profane* for the EU. The EU draws from the Western secularist discourse, even if some EU states insisted on the formal recognition of Christianity as European heritage in the treaty reform process.³⁹⁴ The importance of secularity is evident in the emphasis given for freedom of thought, conscience and belief in the EU human rights policy. However, it also becomes visible in EU attitudes towards more particular thematic issues, such as the rights of sexual minorities, women's rights and family concepts.

These characteristics may provide a more distinguished basis for the EU identity and role in human rights, and sets it apart from the wider Western and also from Islamic or Asian interpretations of human rights³⁹⁵. These points become evident, for example, in differences of opinion when the EU drives particular issues at multilateral forums. The EU interpretation of norms is not necessarily legitimate in the eyes of different others. At the same time these traits, such as the focus on individual rights, is also shared with other European or Western states, and hence, the EU particularity is not necessarily obvious externally.

3.3 The EU's Human Rights Instruments

*We commit ourselves to employ and to assess the impact of all of our foreign policy tools in order to promote and protect human rights to the greatest degree possible.*³⁹⁶

The EU has developed an extensive “toolbox” for its human rights promotion. From the normative power perspective it is essential how these instruments are applied. In this respect the most essential EU human rights instruments are various diplomatic measures, mainly used to persuade third countries to protect human rights. The EU has, for example, established human rights dialogues and consultations with a number of third countries and regional organizations. The EU has conducted dialogues regularly with more than 30 countries, including countries such as China, Iran and Russia³⁹⁷. In practice, these dialogues are held at different diplomatic levels and geographical destinations, depending on the country in question. The EU is also committed to include some priority issues on the agenda for every dialogue, such as the signing, ratification and implementation of international human rights instruments, cooperation with international human rights procedures and mechanisms, and themes prioritized in the EU human rights guidelines. The main aim of these

³⁹³ Manners 2006b, 35.

³⁹⁴ Larsen 2014b, 426.

³⁹⁵ See for example ASEAN human rights declaration 2012: <http://www.asean.org/news/asean-statement-communicues/item/asean-human-rights-declaration>.

³⁹⁶ *EU Annual report on Human Rights 2012*, 25.6. 2013.

³⁹⁷ See http://eeas.europa.eu/human_rights/dialogues/index_en.htm Dialogues with Russia and Iran have been suspended and some others (Azerbaijan) have been postponed (EU Human Rights Report 2014, 12).

dialogues is to find information about the human rights situation of the country concerned, express concerns, identify practical steps to improve the situation, and discuss questions of mutual interest and cooperation³⁹⁸. Human Rights dialogues are held on a reciprocal basis and the EU also meets civil society organizations alongside official negotiations. In general, EU human rights dialogues have been criticized as rather inefficient and even as a cover for inaction³⁹⁹. Human rights organizations have been critical towards the EU dialogues with China and Russia⁴⁰⁰. As these dialogues are confidential, little of them can be known publicly. The European policy-makers seem to believe that quiet diplomacy is more effective than public shaming⁴⁰¹. In the literature, this EU attitude is called constructive engagement and it is often associated with the EU's different attitude towards others⁴⁰². However, EU member states may also have differing views on adopting stronger human rights approaches, as they aim to safeguard their other interests. Sometimes the EU uses more public declarations to put across its concerns or to welcome positive developments in some countries. In some cases, a demarche⁴⁰³ may be considered an even more effective instrument to raise concerns in relation to specific issues. The EU's persuasive approach to human rights promotion have put it in a weak position in relation to strong partners, such as the BRICS countries, who have shown a growing normative disconnect with the EU⁴⁰⁴. However, as Karen Smith notes, also in relation to geographically distant minor powers, the EU's approach based on persuasion may not always succeed⁴⁰⁵.

The EU also aims to facilitate dialogue with different partners through active participation in multilateral human rights forums. The main multilateral forums for EU action are the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe (CoE) and the United Nations (UN). The Lisbon treaty emphasizes EU commitment to a strong and effective multilateral human rights system, in particular in the framework of the UN. The EU not only seeks enhanced participation rights in the multilateral system, but also aspires to play a leading role therein. According to the EU Human Rights Strategy, the EU is devoted to enhancing dialogue with different partners in multilateral fora⁴⁰⁶. International organizations offer important avenues for searching legitimacy for EU human rights positions, but also for the construction of EU identity and role. In these forums the EU can confer prestige or shame for other participants, and raise important human rights cases to the public attention. Furthermore, the EU objective of fostering effective multilateralism is associated with strengthening the UN. Support and defense of the UN and its treaties and norms are important for the EU's normative power role. At the same time the EU is well-placed to exercise its power and influence at the UN, and hence, the EU can also use these areas more instrumentally.

³⁹⁸ European Commission (2007): *Furthering Human Rights and Democracy across the Globe*.

³⁹⁹ Smith K. 2008, 135; Kinzelbach 2014, 177.

⁴⁰⁰ Human Rights Watch 2013: EU/China: Overhaul Human Rights Dialogues <https://www.hrw.org/news/2013/06/24/eu/china-overhaul-human-rights-dialogues> 24.6. 2013, accessed 15.10. 2015.

⁴⁰¹ Kinzelbach 2014, 2.

⁴⁰² Lucarelli 2006, 55.

⁴⁰³ Démarches, or formal diplomatic approaches, are used by the EU to raise human rights concerns with the authorities of non-EU countries. Démarches are usually performed confidentially by local EU representatives and deal with more sensitive cases.

⁴⁰⁴ See Holslag 2010.

⁴⁰⁵ Smith K. 2006b.

⁴⁰⁶ *EU Human Rights Strategy* 2012, 25.6. 2012.

In its relations with third countries, the EU may use more direct rewards or sanctions in order to induce third countries to uphold human rights, democracy, and the rule of law. The EU uses incentives such as association or cooperation agreements in enlargement, neighbourhood and aid policies. The EU agreements with third countries include “essential elements” clauses⁴⁰⁷, which aim to promote the EU’s normative agenda. The essential elements clause provides the legal basis for positive measures, but also restrictive measures in cases of serious and persistent violations of human rights. However, the clause aims to provide a positive instrument and establish a framework for dialogue and cooperation, namely to engage rather than to isolate. The EU’s restrictive measures are characterized as preventive and non-punitive and they should be used only as a part of comprehensive policy approach⁴⁰⁸. From the normative power perspective, the EU’s reluctance to use more coercive measures in its human rights policy underlines the willingness to play a normative power role. Seldom has the EU punished its partners by using negative sanctions. The EU also mainly adopts sanctions imposed by the UN Security Council. However, the maintenance of the EU’s normative power image in relations to third countries still faces several challenges. First of all, the instruments used cannot be considered purely normative as the EU’s economic power plays an important role in these relations⁴⁰⁹. Secondly, the EU decision to implement the essential elements clause with some countries and not others has been accused of being based on economic and security interests. This diminishes EU credibility as a normative power. However, according to Døhlie Saltnes, human rights have rarely been an important reason for the initiation of the essential elements clause⁴¹⁰. Thirdly, the essential elements clause divides opinions as some see it as an ineffective instrument and morally unjustifiable. The use of more coercive measures may diminish the EU’s possible normative image in the eyes of others. The EU has also found it difficult to measure possible human rights improvements in particular countries because of the lack of clear criteria. The EU’s human rights country strategies (HRCSSs) were introduced with the aim of achieving a more tailored and rational approach to human rights situations in third countries. They were designed to create a better understanding of key human rights challenges, and to focus EU action, political and financial, on key priorities, thus making EU action more effective. More than 140 country specific strategies have been drafted in cooperation with NGOs.⁴¹¹

The third way to deal with human rights is more flexible, allowing the EU to work directly with non-governmental (NGOs) and international organizations. In 1995, various funds for human rights were consolidated under one budget heading, the European Initiative for Democracy and Human Rights (EIDHR). In 2006 this Initiative was replaced with the European Instrument for Democracy and Human Rights⁴¹² and it has funded projects addressing topics such as participatory and representative democracy, the freedoms of association and assembly, opinion and expression, the rule of law and the independence of the judiciary, and the peaceful conciliation of group interests. The EIDHR instrument can grant aid where no established development cooperation exists, and intervene without

⁴⁰⁷ The European Commission has included these clauses systematically since 1992 in its bilateral trade and co-operation agreements with third countries. The modalities of these clauses were spelled out in 1995.

⁴⁰⁸ See EEAS page on EU sanctions policy: http://eeas.europa.eu/cfsp/sanctions/index_en.htm.

⁴⁰⁹ Forsberg 2011a, 1196.

⁴¹⁰ The implementation of the clause has been mainly made in relation to coup d’état or irregularities in elections (Døhlie Saltnes 2013, 7-8).

⁴¹¹ EU Annual report on human rights 2012, 130.

⁴¹² See EIDHR homepages: <http://www.eidhr.eu/>.

the agreement of the governments of third countries. However, it does not support NGOs or opposition groups with a confrontational approach. From the normative power perspective it is important that the EIDHR has operated by extending grants to NGOs to carry out their projects. The empowering of civil society and individual human rights defenders can be considered to contribute to a stronger regional and international human rights system. Work with, for and through civil society organizations also gives the EIDHR its critical profile. However, the problem is that the EIDHR does not operate much in those countries with the worst human rights violations. In this respect EU action is still dependent on the acceptance of target countries' governments. Every year the EU also organizes the EU NGO Human Rights Forum, which provides the opportunity for further dialogue and understanding between different actors working to protect human rights.

3.4 Human Rights and the Normative Power Role

The EU's characterization as a normative power stems from its ambitious role claims in human rights and climate change⁴¹³. The credibility of the EU's normative power role is dependent on its role performance; how the EU promotes these norms and succeeds in practice. In order to approximate an ideal type of normative power in human rights, the EU should promote universal principles, act in a non-coercive manner, and the EU should succeed in achieving normative impacts in others. Hence, the first essential question is related to the nature of EU principles. The human rights norms, which the EU aims to export, need to be seen as universal, mainly referring to recognition at the international fora. As this chapter has demonstrated, the EU's definition of human rights is closely related to wider European and international standards even if it has its own specialities, which set it apart from other geographical regions (individuality, secularity), including the wider West and particularly the US (importance of social and economic rights, abolition of the death penalty). At the same time, differentiating the EU interpretation from the wider Western tradition is difficult. The West is, for example, seen to prioritize civil and political rights, while the developing world is more interested in social, economic and cultural rights⁴¹⁴. Another Western element is the secular and individual basis of rights. The West probably appears quite homogenous in the eyes of the developing World, and more religious and communitarian cultures. The popularity of traditional values discourse⁴¹⁵ is only one example of the challenges the EU must face. The EU may also face normative competition as, for example, China's insistence on the right to development is highly persuasive in the eyes of developing states. As Balme notes, the Chinese approach promotes a conception of human rights as relative, depending on culture, level of development and national situations, and civil and political rights are secondary to economic rights⁴¹⁶. Thus, even if the EU sees its definition as universal, externally this is not necessarily the case.

The second relevant question concerns the measures the EU adopts in its human rights promotion. As Aggestam notes, the central point of contestation in the literature on European normative power is

⁴¹³ Ojanen 2011, 64.

⁴¹⁴ Donnelly 2013, 235.

⁴¹⁵ Traditional values refer to those moral codes and manners that are passed down from generation to generation within cultures or communities. From the Western perspective, these traditional values are considered to threaten the universality of human rights, and the rights of women and minorities.

⁴¹⁶ Balme 2010, 168.

the choice of instruments used for norm-diffusion⁴¹⁷. It is important to study how other actors perceive EU human rights instruments and actions; if they are considered appropriate in the eyes of the possible norm-takers. Here the clever use of the EU's human rights toolbox is in a key position. As a normative power, the EU should apply non-coercive measures based on dialogue, cooperation and engagement with others. These instruments are considered normative because they lower the risk of imposing norms on others through brute power⁴¹⁸. The EU claims that it prefers normative justification including socialization, partnership and ownership, which are most likely to occur in the context of international organizations⁴¹⁹. Through showing example, shaping discourse and taking leadership in multilateral fora, the EU can promote its norms. In these forums the EU should facilitate open dialogue and help to increase the participation of non-state actors. Partnership would demand that the EU does not merely lecture on human rights, but is ready to engage in dialogue with different partners. As human rights violations are not only conducted by non-Europeans reciprocity is needed. The EU must take seriously the criticism others are putting forward.

All this makes sense as human rights can seldom be sustainably promoted through military force or direct coercion. Even if the EU has preferred positive measures, this does not mean that its human rights promotion is purely based on ideational power. For example, the essential elements clauses have occupied a significant role in encouraging reforms. However, the EU has also applied sanctions that often support UN resolutions⁴²⁰. In many cases the EU has set supplementary sanctions to support and further the effects of UN sanctions⁴²¹. It is important that EU sanctions have the acceptance of the UN, as it brings them legitimacy. Working autonomously may also undermine the UN system. The actual coerciveness of EU sanctions depends largely on the object in question; weaker partners may be effectively coerced, while partners who are able to resist the EU remain unmoved. Sanctions are often considered useless against norm violators, and they can make the life of ordinary citizens difficult. The EU aims to set "targeted" sanctions against particular leaders and elites, for example by freezing assets or setting visa bans. From a normative power perspective it is important that more restrictive measures are used in a balanced and legitimate manner, where the UN acceptance of sanctions is, for example, important. When the EU adopts a more comprehensive policy approach to a particular situation, the posed sanctions can be considered more legitimate.

The third critical question is: has the EU attained real impacts through its human rights efforts? In order to be a normative power, the EU should be able to change others. Often the EU's ability to cause changes is seen to apply only in its region⁴²². However, the EU has also been at the forefront globally in several human rights issues and has worked in co-operation with other international and regional organizations and states. The EU has managed to further culturally sensitive and controversial human rights, such as the freedom of religion and belief, the rights of sexual minorities, and women's rights. However, in international organizations it is often quite difficult to name those

⁴¹⁷ Aggestam 2013, 462.

⁴¹⁸ Tocci 2008, 9.

⁴¹⁹ Greenhill 2010.

⁴²⁰ About EU sanctions policy, see EEAS website http://eeas.europa.eu/cfsp/sanctions/index_en.htm. EU sanctions against Myanmar and Zimbabwe are examples of cases, where a UN mandate was lacking. In the case of Iran and North Korea the EU has followed international agreements on sanctions.

⁴²¹ Portela 2014, 2.

⁴²² Haukkala 2011.

factors and actors that succeeded to cause the changes in others. Another important point when evaluating EU impact is that the normative power perspective underlines the need for a long timeframe for expected outcomes. When the EU aims to change norms, it is likely that policy impact takes time. But once the EU is successful, this impact is often considered to be rather sustainable⁴²³. The time perspective should not be used as an excuse to explain poor EU outcomes. Often, the EU impact is dependent on how external others perceive it, and on what kind of EU role they are ready to accept. This explains the limited influence of the EU in cases where possible norm-takers have competing norm interpretations.

One of the major problems of the EU's possibility to present a normative power role in the area of human rights is the claimed inconsistency and incoherence of its approach⁴²⁴. A lack of consistency is considered to decrease EU credibility in the eyes of others. However, complete consistency should not be considered as the ultimate aim of human rights policies as flexibility is needed, as human rights situations are different⁴²⁵. Donnelly argues that the lack of consistency in EU action is normal; issues of trade-offs and inconsistency are regularly raised in discussions of international human rights policies⁴²⁶. Inconsistencies are also more likely to occur in cases where the human rights actorness is divided, as it is in the EU. Because of the multifaceted nature of EU policy, achieving perfect EU consistency is in practice simply impossible⁴²⁷. Thus, according to Mayer, the focus should be on the real effects the EU is able to produce, as these will be more relevant for its role⁴²⁸. In the following, the EU inconsistency is discussed in three areas relevant for its human rights role; between internal and external human rights policy, in the treatment of third countries, and between rhetoric and action.

The inconsistency between the EU's internal and external human rights policy has been a major concern of critics. The gap is particularly clear in the treatment of countries wishing to join the EU⁴²⁹. The EU has set demanding standards for would-be members while at the same time many EU members have not been able to respect these norms. At the multilateral human rights fora the EU concentrates on others' human rights problems. However, the EU also receives feedback because of discrimination, racism and the lack of protection systems for different minorities and migrants⁴³⁰. The EU lacks competencies to address human rights violations committed within its member states⁴³¹. Member states are also reluctant to give increased powers for the EU institutions to monitor their human rights situations. Another notable challenge is the inconsistent treatment of third countries. There is a great variation in the extent to which a third country's respect for human rights is a defining factor for the EU's relationship with that country. It is often claimed that the EU applies restrictive measures only against weaker states, while the strategically or economically important partners are never sanctioned for their human rights violations⁴³². For example the EU has been reluctant to

⁴²³ Sedelmeier 2006, 130.

⁴²⁴ It seems that the words *coherence*, *consistency*, and sometimes even *cohesion*, is used synonymously when referring to shortcomings in the EU's external action.

⁴²⁵ Clapham 1999, 640.

⁴²⁶ Donnelly 2013, 205.

⁴²⁷ Keukeleire & Delreux 2014, 114.

⁴²⁸ Mayer 2013b.

⁴²⁹ Smith K. 2008, 115.

⁴³⁰ Ward 2012.

⁴³¹ Clapham 1999, 639.

⁴³² Fierro 2003, 378; Brummer 2009; Keukeleire & Delreux 2014, 207.

criticize the US, and EU policy towards China and Russia has been considered “toothless”. Furthermore, reluctance to condemn Israel for the violations conducted in the occupied territories has been detrimental for the EU’s global reputation. These inconsistencies can also be exaggerated, as different situations often need different treatment. According to Døhlie Saltnes the EU’s sanctions cannot be explained by looking at interest-based explanations only⁴³³. Applying sanctions depends on many factors.

The rhetorical inconsistency refers to the gap between EU words and actions. The EU has cultivated highly ambitious rhetoric, which creates expectations in others. Easily these expectations become “unfulfilled promises”. Already in 1993 Hill underlined the capabilities-expectations gap in EU action⁴³⁴. Over the years, the EU has adopted more focused lists of priorities in human rights, as well as improved the effectiveness and expediency of its instruments to cure this problem. However, it has been quite incapable in achieving results in its neighbourhood, which has raised doubts about the EU’s possibilities and motives⁴³⁵. For example, in the case of Turkey, the EU has been inefficient both in terms of monitoring and enforcing human rights reforms⁴³⁶. The EU response to the Arab uprisings has also been a disappointment to many. One option would be to develop a more realistic debate about what the EU can and should achieve. According to Elena Jurado, the EU should not develop into a proper human rights organization because other organizations are already doing the job. Instead, the EU should pay more attention to how it can cooperate and assist, for example, the Council of Europe and the UN.⁴³⁷ However, the inter-organizational cooperation does not necessarily work for the best benefit of the EU; other organizations may become EU competitors, and the EU must prove its relevance and added value.

3.5 Chapter Conclusions

This chapter has demonstrated how international, regional and domestic factors have provided the origins and framework for the development and institutionalization of EU role in human rights. The EC/EU has underlined the importance of universal standards developed within the UN system in order to achieve legitimacy and approval. The EU interpretation of human rights has its own peculiarities, which become apparent when the EU acts internationally. From the perspective of normative power role claims, the EU’s instruments for human rights promotion were considered to carry high relevance. Even if the EU mainly prefers positive measures, this does not mean that its action is purely based on ideational, soft power. The EU may also apply stronger measures, and its conditionality clauses suggest that its economic power is often present. Hence, the normative power remains an ideal-type, which is not necessarily apparent in the roles the EU adopts in its external human rights policy.

The launch of the EU Strategic Framework for human rights and democracy reflects a new, more collective and dedicated EU approach to human rights promotion and protection. According to this

⁴³³ Døhlie Saltnes 2013.

⁴³⁴ Hill 1993.

⁴³⁵ Balfour 2012; Burchill 2011.

⁴³⁶ Türkeş 2011.

⁴³⁷ Jurado 2006, 127-134.

Strategy, the EU aims to increase its visibility, coherence and effectiveness in international organizations, such as the UN. It remains to be seen how this new approach will influence the EU role in global human rights governance. The following empirical part of this thesis will study the EU role more particularly at the Human Rights Council, the key UN human rights body. The HRC provides an important forum for the EU to seek legitimacy for its human rights interpretations and positions from other states. At the HRC the EU role as a normative power must exceed its limited regional persuasiveness and appeal.

4 The European Union at the UN Human Rights Council

Supporting multilateralism is one of the most clearly stated objectives of the EU. At the core of this commitment is EU partnership with the United Nations⁴³⁸. The EU and the UN are considered to have a reinforcing relationship in the area of human rights, where UN forums are important avenues to search for legitimacy for EU policies⁴³⁹. The EU is strong actor in the UN bodies, not least because of its role as the biggest financial contributor. However, the EU remains an atypical organization by UN standards, even if, after the Lisbon Treaty, it has tried to match its increased internal capabilities with wider participatory rights in IOs⁴⁴⁰. In May 2011, the Union managed to upgrade its status at the UN General Assembly⁴⁴¹ but the consequences of this decision to other UN forums vary. The EU's willingness to be a full member instead of permanent observer has faced opposition⁴⁴², because EU countries are already seen to be "over-presented" in UN bodies. Also some EU member states have been reluctant to back down their national status for the sake of an improved EU position, because they view the UN as an arena for national diplomacy⁴⁴³. The bigger role of EU delegations in different UN locations⁴⁴⁴ has caused controversies, and the legitimacy of collective EU action is at times internally contested. Thus, it is possible to understand "EU action" at the UN in many ways, and it is also difficult to separate the autonomous actions of member states from action made "on behalf of the EU". Here a wider perspective on EU action is adopted by taking into account both the individual and collective aspects, even if these may not always be symbiotic⁴⁴⁵. This is because together they form a more comprehensive picture of EU action and role-playing at the UN.

This chapter takes the task of introducing how the EU operates at the UN Human Rights Council (HRC), the key UN organ in the field of human rights. According to EU statements, the EU acknowledges the leading role of the HRC in the UN human rights machinery, and aims to strengthen and support its work⁴⁴⁶. First, this chapter introduces what the HRC is and how it works. Secondly, it examines the framework conditions, both legal-institutional and political, affecting the EU role. Finally this chapter discusses the relevance of the HRC case for the EU's assumed normative power role.

⁴³⁸ See European Security Strategy 2003; EU@UN webpages, see http://www.eu-un.europa.eu/articles/en/article_9389_en.htm.

⁴³⁹ Smith K. 2013; Ojanen 2011.

⁴⁴⁰ Zaru & Geurtz 2012, 53.

⁴⁴¹ A/RES/65/276, 3.5. 2011. This historic resolution allowed the EU representatives to present the common positions of the Union to the Assembly. The EU representatives also got the right to make interventions during sessions, and to be invited to participate in the general debate of the General Assembly. The enhanced status also permits EU communications relating to the work of the Assembly to be circulated directly as documents of the Assembly. EU representatives have the right to present different proposals and amendments agreed by EU Member States, and to exercise the right of reply. However, the EU does not have a right to vote or put forward candidates.

⁴⁴² EU's full membership in the UN bodies has been opposed, for example, by the Organization for Islamic Conference (OIC) and lately also by the Caribbean group. According to them, the EU should not enjoy privileges denied other regional organizations (see Gowan & Brantner 2011, 7).

⁴⁴³ Since the mid-90s Britain and France, the permanent members of the UN Security Council, have diverged mostly from the core EU bloc and instead voted in line with the US. (Smith K. 2006a, 114).

⁴⁴⁴ The increased role of the EU-delegations has been more problematic in international institutions than in third countries. See Helwig, Ivan & Kostanyan 2013, 4.

⁴⁴⁵ See Blavoukos & Bourantonis 2011a, 4.

⁴⁴⁶ EU Human Rights Strategy 2012, Council Conclusions on EU priorities 2012-2014.

4.1 The United Nations Human Rights Council

The creation of the HRC and its mandate

The Human Rights Council (HRC) is an intergovernmental body within the UN responsible for strengthening the promotion and protection of human rights around the globe. The Council is based in Geneva, Switzerland, and works as a part of the wider UN human rights machinery. The UN General Assembly (GA) established the HRC as its subsidiary organ on the 15 March 2006⁴⁴⁷ and it replaced the UN Commission on Human Rights (CHR), which had existed since 1946. The problem with the Commission was that several countries⁴⁴⁸ with bad human rights records were its members and spent their energy merely in protecting their own performance from critical scrutiny. The CHR also failed to address many serious country-specific human rights violations⁴⁴⁹ whilst simultaneously giving disproportionate attention to other situations⁴⁵⁰. There were strong demands to replace the Commission with a new UN organ⁴⁵¹ and the creation of the Council marked one of the most significant reforms of the UN human rights system. However, the possibility of the HRC to produce better results was a subject of animated discussion⁴⁵² as radical reform proposals were rejected⁴⁵³.

The GA resolution, which founded the Council, resolved only the more structural questions and laid down broad guidelines for the HRC. Many states were reluctant and suspicious of giving the Council new powers, and as a result, the mandate of the HRC was mainly promotional and the lack of a clear protection role weakened the HRC from the beginning⁴⁵⁴. According to the founding resolution “the Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind, and in a fair and equal manner”. The Council should also address situations of violations of human rights and make recommendations thereon. Furthermore, “the HRC methods of work shall be transparent, fair and impartial and shall enable genuine dialogue”⁴⁵⁵. This reflected the concerns of the Global South; human rights are an issue of exclusive domestic jurisdiction, and cannot be used as a neo-colonial tool of oppression against states with limited human rights capabilities⁴⁵⁶. As a consequence, the HRC stresses ensuring the consent and cooperation of those states which fall under its procedures. Not all the governments have been cooperative with the Council⁴⁵⁷, which has limited its ability to protect individuals.

⁴⁴⁷ GA resolution 60/251 Human Rights Council, 15 March 2006.

⁴⁴⁸ For example Cuba, Libya (its 2003 chair), Saudi Arabia, Sudan and Zimbabwe.

⁴⁴⁹ Freedman mentions, for example, Sudan, Zimbabwe, and the Democratic Republic of Congo as cases where Commission members were successful in preventing action (see Freedman 2013, 26).

⁴⁵⁰ During the Commission’s 60 years, one quarter of its country-specific resolutions have focused on Israel. This biased perspective also continued in the Council during its first years. Currently more various country situations get focus, but there are still many countries (China), which are not discussed in the HRC despite their serious human rights violations.

⁴⁵¹ Weiss 2012, 38.

⁴⁵² Spohr 2010, 171.

⁴⁵³ For example, creating the new human rights body as a main body of the UN and electing highly qualified non-governmental representatives to serve as its members.

⁴⁵⁴ Ramcharan 2011, 17.

⁴⁵⁵ A/RES 60/251 (15 March 2006).

⁴⁵⁶ Freedman 2013, 60.

⁴⁵⁷ Some states are less responsive to recommendations made during their UPR, or do not let special procedure mandate holders to enter the country. States have also increasingly prevented human rights defenders participation in the HRC sessions.

The HRC should also “promote the effective coordination and the mainstreaming of human rights within the United Nations system”⁴⁵⁸. When the Council was created, there were plans to make the HRC a main body of the UN to represent more visibly the third core pillar (human rights) of UN activities, along with security and development. However, as the Council has been beset with several unresolved problems and controversies, these plans have not been realized. At the same time, the leading status of the Council as a global human rights body is strengthened. After the creation of the HRC the amount of issues, meetings, and adopted resolutions have steadily increased, with obvious budgetary consequences. Even if human rights make up such an active and visible realm of the UN, its budget share in 2014-2015 is only around 3.2% of the total UN budget⁴⁵⁹. The increased expenses are covered by voluntary contributions from organizations and governments, which may endanger the independence of the HRC. When the coordination is considered, it is obvious that as a political body the HRC is suffering from the politicization of issues. Tomuschat notes how this problem relates to all political bodies of IOs. But the voices of political bodies often do carry much more weight than assessments made by expert bodies. Thus, some kind of optimal balance should be found between political support and standards of objectiveness and impartiality.⁴⁶⁰

HRC Membership and institutional architecture

The Human Rights Council consists of 47 UN member states elected by the General Assembly for a three-year period, and states can serve two consecutive terms. Allocation of seats is organized along regional groups: African group, Asia-Pacific group, Latin American and Caribbean group (GRULAC), Eastern Europe and Western Europe and Others group (WEOG) (see table 1). These groups are used to ensure the geographical equality of the Council and they may coordinate their actions on issues of common concern. However, political or religiously defined groups such as the Organization of the Islamic Cooperation (OIC), the European Union (EU), the Non-Aligned Movement (NAM) and JUSCANZ have been more visible in the work of the HRC. The Global South has formed strong political alliances, perhaps owing to a far greater need for collective strength⁴⁶¹. Unfortunately, these blocs have reinforced divisions by forming voting coalitions.

Table 1: UN Regional group presentation in the Human Rights Council⁴⁶²

UN Regional group	Number of states of total 47 (%)
Africa	13 (28%)
Asia	13 (28%)
Latin America	8 (17%)
Eastern Europe	6 (13%)
WEOG (Western Europe and Others group)	7 (15%)

⁴⁵⁸ A/RES 60/251 (15 March 2006).

⁴⁵⁹ Security takes 24.3% and development 19.8% of the UN budget, see Universal Rights Group (2014a), *Global Human Rights Dialogue*.

⁴⁶⁰ Tomuschat 2008, 134.

⁴⁶¹ Freedman 2011, 290.

⁴⁶² Based on Smith K., 2010, 227.

The HRC candidate states' contribution to the promotion and protection of human rights should be taken into account, as well as their voluntary pledges and commitments in this regard⁴⁶³. Thus, at least in theory, the HRC consists of states with good human rights records. However, it has not been able to block the membership of countries with suspicious human rights records⁴⁶⁴. This is because there is no genuine open contest for seats in the HRC, as most geographical groups present the same number of candidates as there are vacant seats. Despite formal improvements⁴⁶⁵, political, rather than human rights considerations have been prevalent during the elections. Human rights NGOs⁴⁶⁶ campaign against suspicious candidates before the elections, sometimes successfully. The GA has the possibility to suspend the rights of any Council member that has committed gross and systematic violations of human rights during its term of membership. In March 2011, the General Assembly suspended the rights of its member, Libya⁴⁶⁷, for the first time, which was considered one of the main advances in the Council's work⁴⁶⁸.

The Human Rights Council is chaired by a President and four Vice-presidents, all elected for a one-year term. The presidency is geographically rotated and the Vice-presidents are selected from each geographical group. Presidency is a neutral position and geographical groups are keen to maintain this image⁴⁶⁹. In 2015, there have been nine Presidencies, four of which have been held by EU member states. The Council's work is also assisted by the Advisory Committee, which is composed of 18 experts acting in their personal capacity to offer expert, research-based advice on thematic human rights issues. The Advisory Committee expertise is used only at the Council's request and under its guidance⁴⁷⁰. In the election of the Committee members, the geographical distribution of posts must be taken into account. All UN member states can propose candidates from their own region; it is possible that the persons nominated for the elections may serve the interests of their nominating states. This is against the Council's rules as the resolution says: 'individuals holding decision-making positions in government or in any other organization or entity which might give rise to a conflict of interest with the responsibilities inherent in the mandate shall be excluded'⁴⁷¹.

The Office of the High Commissioner for Human Rights (OHCHR) is a separate body providing substantial support for the HRC work. It serves as a secretariat of the Council and supports the work of special procedures, special rapporteurs, independent experts, and working groups, appointed by the Council to monitor human rights in different countries and issues. The regular budget of the OHCHR has steadily increased since 2005⁴⁷², allowing for the expansion of independent

⁴⁶³ A/RES 60/251 (15 March 2006).

⁴⁶⁴ For example, the membership of Azerbaijan, China, Cuba, Pakistan, Russia and Saudi Arabia has attracted criticism.

⁴⁶⁵ For example, secret ballots in HRC elections.

⁴⁶⁶ Amnesty International and others have criticized this practice, see <http://www.amnesty.org/en/united-nations/human-rights-council/human-rights-council-elections>.

⁴⁶⁷ The rights of membership to the Human Rights Council of Libya were suspended by the General Assembly on 1 March 2011 and restored on 18 November 2011.

⁴⁶⁸ Colerick 2012, 14.

⁴⁶⁹ For example, during the Polish HRC presidency in 2013 Polish ambassador did not take part in EU coordination meetings.

⁴⁷⁰ Ramcharan 2011, 106.

⁴⁷¹ HRC/5/1 (18 June 2007).

⁴⁷² The amount of regular budget funding appropriated for use by OHCHR has increased while the level of voluntary contributions to OHCHR from member states has decreased, see <http://www.ohchr.org/EN/ABOUTUS/Pages/FundingBudget.aspx>

professionals to improve human rights monitoring. The HRC follows-up the reports of the High Commissioner and Secretary-general. Some states have tried to undermine the powers of the OHCHR and put it under the surveillance of the HRC, but at least so far these bodies have remained independent⁴⁷³. Many cases have demonstrated the interdependence of security concerns and human rights, which may confuse the division of work between the HRC and Security Council. After the Arab Spring, the UN Security Council has increasingly taken into account human rights considerations in its decision-making. A possible enhancement of the relationship between UNSC and HRC could include hearings with mandate holders of the Special procedures and briefings by the High Commissioner for Human Rights⁴⁷⁴.

HRC working methods and agenda

The Human Rights Council meets at the UN office in Geneva and its working methods and agenda were set in the resolution 5/1⁴⁷⁵. The Council holds three regular sessions a year, taking place in March, June and September, which usually last around three weeks. A High Level Segment of the Council is held once a year in the beginning of the main session in March. Also observers, such as non-member states, inter-governmental organizations, national human rights institutions, and non-governmental organizations (NGOs), may participate in an HRC session. The Council may arrange a Special session, at the request of a Council member with the support of one-third of the Council's membership. In March 2015, the Council had held 28 regular sessions and 22 special sessions⁴⁷⁶. Most of the Special sessions have concerned the human rights situation of a particular country (Israel) and they have been called for by developing states⁴⁷⁷. Because of such selectivity, the HRC has aimed to diversify its instruments to evaluate country situations by introducing, for example, urgent debates. There are also panel debates, seminars, and round tables, all of which can provide more informal and flexible forums for discussion. The number of panel debates has risen from 2 in 2007 to 23 in 2014, meaning that they are placing a heavy burden on the Council's programme of work⁴⁷⁸. The role of these additional meetings is to enhance mutual understanding, as well as bring visibility for the states that sponsor them.

All Council activities and resolutions take place under agenda items (see table 2). The most popular agenda item is number three; between 2008 and 2014 more than 57% of the texts adopted in the HRC considered these issues. As table 2 shows, item 3 deals with more general, thematic human rights questions. When compared with the amount of texts (7%) adopted under item four, namely urgent human rights situations in specific countries, the difference is striking. Even if all the country-specific texts adopted under different agenda items 1, 2, 4, 5 and 10 are taken together, the Council seems to invest less than half of the energy on country resolutions.⁴⁷⁹ This fact further evidences the fact that the HRC is mainly working as a promotional forum rather than as a body decisively working to protect rights. Human Rights Council meetings are mainly public and can be followed through the UN

⁴⁷³ Colerick 2012, 18.

⁴⁷⁴ Rathgeber 2013, 18-19.

⁴⁷⁵ HRC/5/1 (18 June 2007).

⁴⁷⁶ See HRC webpages on sessions <http://www.ohchr.org/EN/HRBodies/HRC/Pages/Sessions.aspx>.

⁴⁷⁷ Freedman 2013, 283.

⁴⁷⁸ Gujadhur & Lamarque 2015, 18.

⁴⁷⁹ Gujadhur & Lamarque 2015, 21-23.

webcast⁴⁸⁰. This may increase public awareness and enables the participation of poorer states and NGOs from remote locations. Pre-recorded video messages have also become a regular feature at HRC meetings. The social media has created more opportunities for civil society stakeholders to take part in Council work⁴⁸¹. The participation of NGOs in the HRC follows the rules of procedure established for the GA committees⁴⁸². In general the HRC has been accused of the marginalization of NGO's with strict speaking time limits and options for participation⁴⁸³. The downgrading of the ability of NGOs to be vocal is troubling⁴⁸⁴ because they are often very dedicated and innovative.

Table 2: Human Rights Council Agenda items⁴⁸⁵

Item 1	Organizational and procedural matters
Item 2	Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
Item 3	Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development
Item 4	Human rights situations that require the Council's attention
Item 5	Human rights bodies and mechanisms
Item 6	Universal Periodic Review
Item 7	Human rights situation in Palestine and other occupied Arab territories
Item 8	Follow-up and implementation of the Vienna Declaration and Programme of Action
Item 9	Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action
Item 10	Technical assistance and capacity-building

HRC procedures: the UPR, Special procedures and Complaint procedure

The key new human rights tool of the Human Rights Council is the Universal Periodic Review (UPR) mechanism which studies the human rights records of all UN member states in a 4.5-year cycle. The review is based on a report by the state under review, accompanied by other relevant stakeholder opinions and information from the UN entities. When preparing the reports, national governments are expected to consult NGOs in their countries. The UPR procedure should ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions (NHRIs). The UPR reports enable the monitoring of the human rights situation in different countries on a regular basis, and provide concise documentation on country situations. In an open debate, other countries can make questions for the state under review. In the end of the process states receive recommendations to be implemented. The UPR process studies the human rights situation in

⁴⁸⁰ <http://webtv.un.org/>

⁴⁸¹ Rathgeber 2013, 20-21.

⁴⁸² HRC/5/1 (18 June 2007).

⁴⁸³ Ramcharan 2011, 117-118 and 124.

⁴⁸⁴ Weiss 2012, 153.

⁴⁸⁵ Table is based on resolution HRC/5/1 (18 June 2007)

every UN member state, and it is thus a non-selective procedure. The intergovernmental nature of the procedure encourages countries to share best practices. The problem is that many member states with atrocious human rights records are treated by their peers with kid gloves⁴⁸⁶, meaning that governments are often reluctant to criticize their allies or neighbouring countries. However, different NGOs have taken an active role in briefing other states to pay attention to particular problems in countries under review and take up certain recommendations. In the UPR, civil society organizations are recognized as official actors, but they have no additional resources in the process of monitoring the implementation of recommendations.

The problem with the UPR procedure is that it is state-driven and states themselves have the primary responsibility for the implementation of UPR recommendations. The state under review is free to accept or only note the given recommendations. If the state under review takes note of the recommendation, it means that there are some reasons why it considers the implementation of the recommendation impossible in the following 4.5 years⁴⁸⁷. The first UPR of all UN member states was completed in 2012. Several aspects of the UPR were deemed successful. The main reason is that all 193 UN member states had participated in the process. During the first cycle, member states delegations to UPR hearings included ministerial level representatives, demonstrating the seriousness afforded to the process. Some states, most notably from the OIC group, have used tactical measures in order to attain a more positive image of themselves.⁴⁸⁸ Now the second round of the UPR⁴⁸⁹ is going on, and it focuses mostly on the implementation of the previous recommendations given during the first UPR cycle. Hence, it is not yet sure whether the UPR process can actually deliver meaningful results in the advancement and protection of human rights⁴⁹⁰. States are recommended to submit mid-term reports concerning their implementation efforts, but this is not mandatory. It is argued that the UPR provides a more effective alternative for naming and shaming governments for gross violations of human rights. Effectiveness is supported by the fact that more than two-thirds of the recommendations made under the UPR process were actually accepted by the states under review⁴⁹¹. Even more, 48 per cent of these recommendations triggered action by mid-term, meaning that recommendations were either fully or partially implemented only 2.5 years after the initial review⁴⁹². Of course, the nature of recommendations may vary a lot, and the implementation of certain recommendations may be cosmetic, not necessarily improve the human rights situation remarkably. Recommendations concerning women's and children's rights have the highest level of implementation, while issues related to sexual orientation are very difficult⁴⁹³.

The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political, and social. The Human Rights Council can use special procedures to address specific country situations (country mandates) and

⁴⁸⁶ Ramcharan 2011, 126.

⁴⁸⁷ 77% of the noted recommendations were not implemented, see UPR info 2014, 33.

⁴⁸⁸ Freedman 2011, 305-307.

⁴⁸⁹ Second cycle of the UPR started in June 2012. The periodicity of the review is four and a half years.

⁴⁹⁰ Ramcharan 2011, 46.

⁴⁹¹ Rathgeber 2013, 9. The total number of recommendations given during the first cycle was over 21 000, see UPR info 2014, 13j.

⁴⁹² UPR info 2014, *Beyond Promises. The impact of the UPR on the ground*, 5.

⁴⁹³ UPR info 2014, 37-42.

thematic issues (thematic mandates). For example, in January 2014 there were 36 thematic and 14 country mandates⁴⁹⁴. Diverse activities are conducted under the name of special procedures either individually or by a small working group of experts⁴⁹⁵. Appointed by the HRC, the mandate-holders make country visits to study and analyse the situations at the national level, write letters and receive responses⁴⁹⁶, co-operate at different levels, and advise other actors, such as governments, NGOs and the HRC. The special rapporteurs are free to see and interview whoever they find appropriate in order to conduct their task. However, several countries have prohibited visits⁴⁹⁷ and reports are often based on testimony provided by witnesses who have escaped from the country. Special procedures report annually to the HRC and the majority of them also for the General Assembly. Thematic mandate periods last three years, while country mandates will be only one year. Urgent actions are an essential part of the work of special procedures - they concern actual and impending threats that require effective response.⁴⁹⁸ However, Special Procedures are quite poorly resourced, which makes their use less effective.

The Complaint procedure of the HRC allows individuals and organizations to bring complaints on gross and reliably attested violations of human rights to the HRC. The complaint procedure addresses communications submitted by individuals, groups, or non-governmental organizations that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations. The complaint procedure is confidential in order to enhance cooperation with the state concerned. There are certain criteria⁴⁹⁹ for cases to be accepted for examination, and the work is conducted in two working groups, the Working Group on Communications and the Working Group on Situations⁵⁰⁰. As a result, the HRC may appoint an expert to monitor the situation and report back to the HRC, or it may make the case public immediately. Some of the governments are not cooperative and because the decision to proceed is decided by vote, political blocs are apparent in this procedure. The number of complaints sent to the Working group of Communications compared to the small number of cases finally dealt with, casts doubt on the efficacy of the mechanism⁵⁰¹. Overall, the Complaint procedure is considered an abandoned tool in the Council work⁵⁰².

⁴⁹⁴ Thematic mandates include themes like contemporary forms of slavery, water and sanitation, environment and cultural rights. Country mandates include for example Sudan, The Islamic Republic of Iran, Syrian Arab Republic and Eritrea. Complete lists are available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx>

⁴⁹⁵ These groups usually consist of five experts.

⁴⁹⁶ However, the amount of responses to these communications from governments is low, only around 30%.

⁴⁹⁷ According to Piccone nineteen states have never accepted Special Procedures' request to visit, while many states have issued standing invitations to express their willingness to cooperate (Piccone 2010, 13).

⁴⁹⁸ Ramcharan 2011, 91.

⁴⁹⁹ For example, cases that are already being dealt with a special procedure or treaty body or another UN or similar regional complaints procedure in the field of human rights cannot be referred here (admissibility criterion). Furthermore the communications sent for this procedure cannot be manifestly politically motivated, they must give a factual description of the alleged violations and the language of the communication is not abusive.

⁵⁰⁰ Both consist of 5 persons, the former is composed of Advisory Committee members and the latter of HRC member state diplomats.

⁵⁰¹ Rathgeber 2013, 9.

⁵⁰² Weiss 2012, 153.

HRC Outcomes and Challenges

The Human Rights Council has only non-binding powers but its acts can have both legal effects and political implications. When the Council gains consensus, the nominally non-binding powers are expected to be adopted across most, if not all, states owing to the countries' participation in and agreement to the decision-making.⁵⁰³ This is because the failure to adopt HRC recommendations can have a major impact on their international legitimacy. The moral weight of the HRC resolutions is considerable. No state likes to be blamed for breaking HRC standards, and work hard to amend their reputation. However, there are exceptions as some states have shown indifference towards these standards.⁵⁰⁴ The Council's power relies on publicly condemning countries and delivering information about their human rights situations. Since the HRC's creation, 762 texts have been adopted (January 2015). The vast majority are resolutions reflecting the common will of the international community on a particular issue. The amount of HRC resolutions has steadily increased: the total number of adopted texts increased by 160% between its creation in 2006 and 2014⁵⁰⁵. Partly the increase can be explained by the desire of states and NGOs to keep their dear issues on the agenda of the HRC. The problem has been to keep the resolution system operating at a manageable level. The problem with the HRC resolutions is the difficulty in assessing how they are being implemented, as there is no systematic process of follow-up.

Member states take responsibility for sponsoring resolutions concerning thematic and country cases, and currently these follow the annual voluntary calendar of resolutions. The main sponsors try to find lots of allies to get their resolution text adopted. At the end of each session, resolutions are either adopted by consensus or put under a vote. The HRC is responsible for providing advisory services, technical assistance, and capacity building for states. With the expansion of the number of resolutions, many smaller delegations find it difficult to follow the HRC work. This means that resolution texts are becoming longer, less focused, less coherent, and less actionable⁵⁰⁶. This may also create a basis for difficult negotiations, more amendments and more voting. The HRC produces many reports on more specific topics and country cases, which inform "international society". The impact of the Council's information sharing should not be underestimated. These expert reports are highly relevant in cases of human rights crises and often contribute to international agreement in response to crises. Over the years the functions of different mandate holders have expanded and they, for example, advance norm development, communicate on behalf of the victims of human rights violations and provide channels for victims to publicize their experiences⁵⁰⁷. Often the information delivered at the Council is used further in a wide range of settings at the national, regional and global levels.⁵⁰⁸ The EU utilizes documents delivered at the Council sessions increasingly in its bilateral relations with third countries.

⁵⁰³ Freedman 2013, 75-76.

⁵⁰⁴ Tomuschat 2008, 149.

⁵⁰⁵ Gujadhur & Lamarque 2015, 13.

⁵⁰⁶ Gujadhur & Lamarque 2015, 14.

⁵⁰⁷ Ramcharan 2011, 89.

⁵⁰⁸ Freedman 2013, 118.

The HRC Council was reviewed five years after its establishment⁵⁰⁹. This review was considered an important effort to improve the work of the HRC, and a good opportunity to identify good practices, challenges, and ways to remedy the possible gaps and shortcomings⁵¹⁰. In October 2009, the Council formed an open-ended intergovernmental Working Group for the purpose⁵¹¹, and it came to a conclusion in February 2011⁵¹². The most evident modifications concerned the UPR procedure, its timing and modalities. Many states and NGOs were disappointed by the actual results of the review and judged it as a lost opportunity. According to Rathgeber the status quo was protected by focusing on fine tuning individual aspects of the HRC⁵¹³. The preservation of the existing HRC mandate could be considered a victory, as there were also attempts to reduce its power⁵¹⁴. By highlighting the weaknesses, the review process left a door open to further develop the Council in the future. According to Rosa Freedman, further reforms of the HRC should focus on the body's composition and membership, politicization, regionalism, bias, and selectivity.⁵¹⁵ However, the Arab uprising and Syria crisis have increased the importance of the HRC as a forum for the global human rights debate and decision-making.

4.2 Framework Conditions for EU Participation at the HRC

In order to understand the EU role at the HRC, several preconditions for its participation and performance at the UN need to be acknowledged. Inter-organizational research can help to frame the “intersecting multilateralism”⁵¹⁶ of the EU and the HRC. Most of the international organizations were created in a way that did not foresee interaction between organizations⁵¹⁷. Research concerning this interaction has focused on policy-oriented case studies, as no developed theoretical context for such research exists⁵¹⁸. The framework conditions influencing EU role in different institutions are often divided into internal-external and legal-political factors⁵¹⁹. This section suggests that the legal framework for EU participation, domestic EU politics, and the external context are the most relevant conditions that must be taken into account when studying the EU role at the HRC.

Legal-institutional conditions for EU participation

The institutional rules for participation (legal, external) have been in focus when the EU actions at the UN context are studied. At the HRC only UN member states can have a full participant status. The EU is an observer, having a right to speak, deliver statements and interventions, but no voting

⁵⁰⁹ (A/RES 60/251), 15.3.2006.

⁵¹⁰ Roadmap prepared by the President Alex Van Meeuwen in accordance with HRC resolution 12/1, available at HRC extranet <https://extranet.ohchr.org/sites/hrc/HRCReview/Pre-WorkingGroup/Pages/ReviewProcessandModalities.aspx>.

⁵¹¹ (HRC/RES 12/1) 1.10.2009.

⁵¹² Report of the WG, 24.2. 2011.

⁵¹³ Rathgeber 2012, 7.

⁵¹⁴ Colerick 2012, 8.

⁵¹⁵ Freedman 2013, 297.

⁵¹⁶ Laatikainen & Smith 2006

⁵¹⁷ Ojanen 2011, 62. Koops notes how inter-organizational research in the case of the EU has flourished since the establishment of the European Security Strategy in 2003. For an overview of this research focus, see Koops 2013.

⁵¹⁸ Koops 2013, 71.

⁵¹⁹ See Jørgensen 2009, Jørgensen et al. 2011, Blavoukos & Bourantonis 2011 (eds.), Basu et al. 2012 & Debaere et al. 2014.

rights. Thus, the EU is represented through its member states and EU agencies⁵²⁰. This legal setting has been considered to have a minor role for EU participation at the HRC⁵²¹. The EU works as a bloc inside the HRC; when a common EU position is achieved, it is delivered by the EU delegation or by the rotating EU presidency. In some HRC forums only member states can speak, and then the EU position must be presented through an EU member who is HRC member. The High Representative, as well as other EU actors, is mandated to express EU positions, which occurs mainly during the Council's High Level Segment in March session. Usually 7-9 EU states are members of the HRC representing three different UN geographical groups: Eastern Europe, Western Europe and others, and Asia groups⁵²². A large number of neighbouring and other countries are supporting EU interventions at the UN⁵²³, which increases the EU's overall influence.

The formal competencies of the EU, and the division of competencies between the EU and its member states, also condition EU performance (legal, internal)⁵²⁴. Much depends on how the EU is able to handle its internal diversity, and whether member states are willing to delegate issues to the EU. From the beginning of the European Political Cooperation (EPC) member states have agreed to coordinate their positions in international organizations and conferences. According to the Lisbon Treaty:

*The Member States shall coordinate their action in international organizations and at international conferences. They shall uphold the Union's positions in such forums. The High Representative of the Union for Foreign Affairs and Security Policy shall organize this coordination. In international organizations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.*⁵²⁵

Since 2005, the EU member states have agreed to deliver "one message with many voices" at the HRC, meaning that they should all intervene in debates to reinforce and reiterate the EU's message⁵²⁶. Often the strongest factor explaining delegation to the EU deals with credible representation externally⁵²⁷. Before the Lisbon treaty, common EU positions were represented by the rotating Presidencies. According to my interviewees who had more long-term perspectives on EU action⁵²⁸, they considered that the cooperation has progressed a lot and the presidency has become "an empty shell" who only reads common statements⁵²⁹. The EU-delegation in Geneva has taken the responsibility of arranging EU coordination meetings at different diplomatic levels. This kind of cooperation is a relatively new phenomenon in Geneva, as, for example, the weekly head of mission meetings started only after 2011.⁵³⁰ The practices of the EU delegation have evolved on the basis of

⁵²⁰ EU actors include, for example, the President of the European Council, the Commission representative, the High Representative and EU delegation staff.

⁵²¹ Bruyninckx et al. 2012, 258-259; Kissack 2010, 21.

⁵²² Cyprus is the only EU country in the Asia group.

⁵²³ Bouchard & Drieskens 2013, 120.

⁵²⁴ Wessel 2011.

⁵²⁵ The Lisbon Treaty, article 34.

⁵²⁶ Smith K. 2010, 229.

⁵²⁷ Kerremans 2006, 174.

⁵²⁸ Most of the diplomats serve only three years terms in Geneva. However, among my internal and external interviewees there were persons who had spent a longer time in Geneva.

⁵²⁹ EU interview 20.

⁵³⁰ EU interviews 17, 18, 22.

previous successful presidencies⁵³¹. The EU delegation has created a permanent interlocutor, which has, according to one interviewee, given the EU all the burden previously carried by a member state for a limited period of time, also creating some frustration among the members⁵³². This is because previously, Presidencies brought new issues and energy to EU cooperation as their responsibility was only periodical. With the permanent EU Presidency, this kind of energy can be lost. The EU actively takes part in HRC debates and side-events, and follows all topics. The EU also does burden sharing, meaning that individual member states take responsibility for following certain issues⁵³³.

Sometimes the EU cannot find a common position, and then member states usually abstain during the HRC voting. Member states may also proceed in smaller groups, on the condition of not undermining the EU's collective objectives⁵³⁴. According to the Lisbon Treaty;

*The member states shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area. The member states shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.*⁵³⁵

In the HRC, member states often complement statements made on behalf of the EU⁵³⁶. The idea is that these many voices support the common message and increase the EU's visibility and weight. Member states are able to add something that could not be delivered as a common position. Another issue is how effective this "one message strategy" actually is. Not all the members have backed up EU positions, and the "common voice" approach can sometimes even be counterproductive for the EU's influence. According to some interviewees, when the EU speaks only once, the impression of it is not very powerful. This message might be lost if several states deliver opposing positions.⁵³⁷ However, it was also mentioned that there is no sense in repeating the message, as this makes the HRC some kind of theatre; the importance lies in what has been said.⁵³⁸

The EU's limited competencies slow down the internal negotiations because member states must always consult their capitals. One option to overcome the inertia would be to discuss divisive issues before they come up⁵³⁹. There are also tensions concerning the delegation of issues; the UK has reminded that external representation and internal coordination do not affect the distribution of competencies under the Treaties, and cannot be invoked to claim new forms of competencies by the EU. The only obligation that member states have is the duty of sincere cooperation, whatever it means.⁵⁴⁰ EU disagreements can be noticed from the wordings used in EU statements, because the

⁵³¹ EU interview 17.

⁵³² EU interview 22.

⁵³³ The EU has informal lists of responsibilities, which are based on experience, regional expertise and relations to other parts of the world. The idea is that member states voluntarily take responsibility for some issues.

⁵³⁴ Zaru & Geurtz 2012, 56.

⁵³⁵ The Lisbon Treaty, article 24.

⁵³⁶ Council of the European Union 2011, EU statements in multilateral organizations, General arrangements (15901/11).

⁵³⁷ EU interviews 3, 6.

⁵³⁸ EU interview 7.

⁵³⁹ EU interview 18.

⁵⁴⁰ Council of the European Union 2011, Statements by the United Kingdom to be entered into the minutes of the Council session endorsing the General Arrangements (15855/11).

solution is to indicate, in the beginning of each statement, on whose behalf it is made. If competencies are shared, the preferred mode is “on behalf of the EU and its member states”. These arrangements are not in line with the “spirit” of the Lisbon Treaty, and risk confusing third countries even more regarding the allocation of EU competencies. There are also some issues where member states have decided, for one reason or another, not to put forward a common position⁵⁴¹. Freedom to deliver own statements and sponsor resolutions in co-operation with third parties is also institutionally challenging. This tendency has increased with the need to work cross-regionally and find allies for EU positions. Sometimes individual EU states are more able to promote issues if they have special relations with the third country in question. This also explains why one of the strategic objectives of the EU⁵⁴² is to strengthen the burden sharing. However, finding the optimal balance between the EU and EUMS is still a work in progress. The role of the EU-delegation is not clear despite the legal basis given in the Lisbon Treaty and rotating presidencies have a necessary role in the state-centric environment of the HRC. Presidencies are able to make contributions to EU action in the Council, but they may have a temptation to pursue issues of primarily national concern⁵⁴³. The increased role of the EU delegation has been evaluated mainly positively, internally and externally (see section 6.2). The EU delegation, for example, gives continuity to EU work, as the delegation is able to pick up permanent negotiators for a specific issue or country cases. However, the tasks of the delegation are not always easy, as member states may pick up popular issues, and the EU is left to deal with more controversial cases⁵⁴⁴. Member states do not want to be unpopular at the Council, and they also aspire to get the glory from successful initiatives. Meanwhile the EU institutions are willing to interpret all EUMS initiatives as EU action. As the EU aims to work coherently at the HRC, they back up the same resolutions. If a resolution is supported by 26 or 27 member states it is reasonable to ask what else it presents than EU position, even if not all the members are standing behind it.

Impact of domestic politics

Domestic politics condition EU action, irrespective of whether domestic refers to the EU or member state level (internal, political). The EU’s role and performance in the international fora depends on the willingness of its member states to advance common positions. The robustness of the EU role in the area of human rights is supported by the fact that the agreement among the EU member states on the importance of promoting human rights externally has been fairly uncontroversial. The internal dynamics may also explain why the EU positions are sometimes merely declaratory, even if there would be instruments and the need for more decisive action. Member states may have special relationships with other countries and regions for historical, political and economic reasons, which may explain their preference for individual action. More principled member states are not necessarily very satisfied with EU positions and ready to water down their firm commitment to promote some human rights questions. According to Smith, Northern states (Czech Republic, Denmark, the Netherlands, Sweden and the UK) are usually keen on vigorous action, including the use of negative measures. Southern states (France, Italy, and Spain) tend to be more aware of competing interests and eager to engage with third countries – and less enthusiastic about prioritizing human rights.⁵⁴⁵ At

⁵⁴¹ For example in the UPR process of the HRC, EU member states work individually.

⁵⁴² EU Human rights strategy 2012, action 35.

⁵⁴³ Hayes 2013, 31.

⁵⁴⁴ EU interview 18.

⁵⁴⁵ Smith K. 2008, 123-124.

times, these differences challenge the mutual solidarity demanded by the treaties. Forcing a common position may make EU positions mere compromises that reflect the lowest common denominator between the member states. This does not serve the cause of promoting human rights on the ground.

Quantitative and organizational differences impact on the EUMS contribution to EU policy-making, and large member states (France, UK and Germany) have major advantages over others⁵⁴⁶. However, in human rights policy, there are opportunities for smaller member states to act in areas of expertise. According to Keukeleire and Delreux the *dynamics of the informal division of labour* provides “coping mechanisms” to overcome the increase in issues and the lack of interest of some EUMS towards specific issues. On many issues, political steering and action are provided by an informal, self-selected group of member states that take the lead. The most important “role entrepreneurs” in human rights have been some member states, often stimulated by the European Parliament⁵⁴⁷. Inside the Council the most important configurations are the Foreign Affairs Council and the Human Rights Working Group (COHOM)⁵⁴⁸. The COHOM coordinates, prepares and sets the priorities for the EU human rights policy. The frequency of its meetings has increased to handle the growing amount of tasks⁵⁴⁹ and since 2013 there have been two COHOM compositions⁵⁵⁰. The European External Action service (EEAS) supports the EU action, by delivering information from the 140 EU-delegations’ so-called focal points in human rights⁵⁵¹. The European Parliament (EP) has always played a visible role in external human rights policy⁵⁵². Even if it does not have direct competencies, the promotion and protection of human rights is among its main concerns⁵⁵³. The EP can produce its own initiative reports, resolutions, parliamentary questions and monitor human rights policy through budgetary measures and public hearings of experts. A high level Contact Group on Human Rights was established between the EP and the EEAS in April 2012 to act as a forum for regular exchanges on human rights issues⁵⁵⁴. The main EP committee dealing with human rights issues is the DROI⁵⁵⁵. The EP action is supported by the public opinion; Eurobarometer surveys⁵⁵⁶ reveal that the protection of human rights is the main value citizens want the Parliament to defend on a global level.

Even if the member states are, formally and informally, committed to stand behind common EU objectives, for example national elections may change their appetite for cooperation. Attitudes towards EU coordination and delegation in Geneva often follow general patterns of member states’

⁵⁴⁶ Keukeleire & Delreux 2014, 120.

⁵⁴⁷ Balfour 2012, 15.

⁵⁴⁸ COHOM is European Council’s Human Rights Working Group established in 1987. The COHOM consists of the Council’s Directors for Human Rights, national delegates, and EEAS and Commissions representatives. For agenda, see http://eeas.europa.eu/human_rights/workgroup/index_en.htm

⁵⁴⁹ EU Annual Report on human rights and democracy in the world 2012, 12.

⁵⁵⁰ The founding of the Brussels based composition of the COHOM was one of the objectives of the EU’s new human rights strategy (action 7a). This COHOM composition deals more with everyday human rights questions and the other composition with heads of national human rights units deals with strategic planning of HR policy. (Internal interview 1)

⁵⁵¹ EU Annual report on human rights and democracy in the world 2012.

⁵⁵² Alston & Weiler 1999, 42-45.

⁵⁵³ See EP website: http://www.europarl.europa.eu/aboutparliament/en/0039c6d1f9/Human-rights.html?sessionId=A46C99B61C313C307C6BB1CDDA4DBB91.node2#infography_home

⁵⁵⁴ EU Annual report on human rights and democracy in the world 2012, 12.

⁵⁵⁵ Subcommittee on Human Rights, webpage <http://www.europarl.europa.eu/committees/en/droi/home.html#menuzone>

⁵⁵⁶ The European Commission studies EU public opinion through Eurobarometer surveys in EU countries. The standard survey was established in 1973. Besides these, the Commission also makes special and flash surveys on more particular issues. See <http://ec.europa.eu/COMMFrontOffice/PublicOpinion/>

attitudes towards foreign policy integration. According to Balfour and Raik, Germany, Italy and Sweden are most favourable to a further deepening of foreign policy integration, while France, the UK and the Czech Republic are more pragmatic in their approach⁵⁵⁷. According to my interviews, these attitudes can also be noticed in the HRC context. The UK was mentioned to drive a strong agenda at the HRC, which does not always necessarily serve common EU purposes. It was also mentioned that UK attitudes reflect their wider relations with the EU.⁵⁵⁸ The Czech Republic was also mentioned to drive an independent agenda, and for example its positions sometimes differ in voting from the EU majority⁵⁵⁹. Much also depends on the member states possibilities to act individually in human rights issues. At the UN, permanent members of the UNSC, France and the UK, have been identified in previous studies as the most willing to pursue national interests over European ones⁵⁶⁰. These two have both special bilateral relations to third parties due to their colonial past, and special issues they wish to exclude from Union processes. Countries such as the Netherlands and the Scandinavia group are more supportive of EU-UN cooperation⁵⁶¹. How these heterogeneous preferences and attitudes are able to coalesce at the HRC to form a common EU position is an interesting question. At least the heavy domestic political process and internal negotiations are seen to decrease EU possibilities to influence other actors at the HRC. The complex situation is also messy for the EU's partners, who are confused about the division of EU competencies and leadership.

The EU has found it difficult to shape common positions, for example, in the case sexual and reproductive rights, as some diplomats have worried that their national governments will have problems in accepting the adopted EU positions⁵⁶². The different domestic traditions, religion, and political frameworks may explain more progressive and conservative human rights positions. For example, the UN Special Rapporteur on human rights of migrants, François Crépeau, focused his country visits of 2012 to examine border control and management within the EU. He examined the rights of migrants in the Euro-Mediterranean region, especially in Greece and Italy. According to his report (May 2013) within the EU policy context, irregular migration largely remains viewed as a security concern, which is at odds with a human rights approach.⁵⁶³ For the EU officials working with third parties the situation is annoying, as they do not have a mandate to monitor individual EU member states. When third countries raise issues within the EU in bilateral or multilateral dialogues, the EU actors need to be in a position to give answers.⁵⁶⁴ For example, the EU Special Representative for Human Rights, Stavros Lambrinidis, has given attention to the EU's internal human rights problems in his speeches. However, in this respect the EU's internal human rights policy lags behind.

⁵⁵⁷ Balfour & Raik 2013, 5-6

⁵⁵⁸ EU interviews 2, 6, 8, 14

⁵⁵⁹ EU interviews 6, 15, 20

⁵⁶⁰ See Kissack 2010, 15; Manners & Whitman (eds.) 2000, 11; Hill 2006

⁵⁶¹ Laatikainen 2006; Gowan & Brantner 2009b, 41.

⁵⁶² Gowan and Brantner mention how in 2007 Poland and Malta (both Catholic countries) started to defend diverging views on reproductive rights in intra-EU discussions, see Gowan & Brantner 2009b, 49.

⁵⁶³ Report of the Special Rapporteur 24.4. 2013

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.46_en.pdf.

⁵⁶⁴ EU interviews 17, 18.

External Political Constellation

The broader international political constellation is shaping and conditioning the EU's role at the HRC (external, political). Previous research has underlined the role of external factors in explaining EU performance at the UN⁵⁶⁵. The project of the European Council on Foreign Relations (ECFR) tracked EU performance in human rights issues at the UN in 2008-2011⁵⁶⁶. According to its reports⁵⁶⁷, the EU's role has decreased in human rights as a growing majority of anti-Western powers led by China and Russia have regularly blocked EU statements.⁵⁶⁸ It is true that these powers contest the validity of external human rights claims at the UN. EU influence may also be limited because of changing patterns in the international distribution of power; whereas institutions, such as the UN, have been dominated by a transatlantic constellation in the past, and have become more multi-polar⁵⁶⁹. However, this does not necessarily mean decline, but only more unpredictable negotiations and outcomes. For example the ECFR European Foreign Policy Scorecard⁵⁷⁰ shows how EU performance at the UN has improved since 2010/2011⁵⁷¹. It is impossible to draw wide generalizations about EU performance, as the constellation in different UN bodies is different. For example, the decision-making model of an international institution may influence the EU's possibilities. Majoritarian decision-making at the UN means that the EU can be outvoted by the others. Kissack notes how together Latin America, Western European and Other States group and Eastern Europe can mobilize 21 out of 47 votes in the HRC. Hence, the large majority at the HRC, African and Asian states, belong to the Global South with a human rights agenda based on anti-imperialism, non-intervention and questioning the universality of human rights.⁵⁷² This means that the EU is easily on the losing side in voting⁵⁷³. Divergence between developing and developed states, under the guise of "cultural sensitivities", has also been considered to undermine efforts to handle certain human rights issues.⁵⁷⁴ Governments may use cultural values to justify their positions when dealing with women's rights and the rights of sexual minorities. The contested status of the EU may influence the ways in which it approaches negotiations. The EU may give up those issues in which it is likely to lose.

The EU role in the HRC is highly dependent on what other governments decide to do. The US decision not to join this body when it was created had clear consequences for EU action. The US absence during the first years of the Council made the EU's position difficult, and it needed to balance between two oppositional camps⁵⁷⁵. Even if the US joined the HRC in 2009, it often defends extreme positions and its stances in Middle East questions raise opposition and several states want to criticize the US⁵⁷⁶. However, the US is also an important EU ally and the EU has not criticized its human

⁵⁶⁵ Bruyninckx et al. 2012, 259.

⁵⁶⁶ see http://ecfr.eu/content/entry/the_eu_and_human_rights_in_a_post-western_world/

⁵⁶⁷ Gowan & Brantner 2008a, 2009a, 2010, 2011.

⁵⁶⁸ Gowan & Brantner 2011, 10.

⁵⁶⁹ Jørgensen et al. 2011, 614.

⁵⁷⁰ This research evaluates EU foreign policy year by year in different issue areas. One area of evaluation is EU action at the UN. See <http://www.ecfr.eu/scorecard/>.

⁵⁷¹ The grade given was in 2010/2011 C+, in 2012 C+, in 2013 C-, in 2014 B- and in 2015 B-.

⁵⁷² Kissack 2010, 47.

⁵⁷³ According to Kissack, the EU was in the losing minority in 21 of the 24 regular session record votes (Kissack 2010, 49). Currently these numbers have changed and the EU is rather rarely on the losing side (see chapter 6).

⁵⁷⁴ Freedman 2013, 10.

⁵⁷⁵ Gowan & Brantner 2008b; Kissack 2013, 411.

⁵⁷⁶ See Freedman 2014, 93-94.

rights violations, such as rendition and torture. The US is eager to carry the leadership role of the HRC, which creates role competition with the EU. The choices of other states, such as China and Russia, are relevant as these are regular opponents of the EU. The positions of other emerging powers, such as India, Brazil or South Africa do not help the EU position much either. These countries are eager to enhance their status at the UN and they often emphasize sovereignty over human rights and resist the Western agenda⁵⁷⁷. Hence, in order to understand the EU's role and possibilities at the HRC, more comparative research with data from other actors' performance would be needed.

Costa and Jørgensen draw attention to how other international institutions influence EU policy-making and institutions⁵⁷⁸. Other regional and political blocs affect EU policies and the role it is able to play. This is especially clear in the difficult relations between the EU and the Organization for Islamic Conference (OIC). According to Koops, crises and shocks may work as catalysts for closer cooperation⁵⁷⁹. After the Arab spring new actors and issues have emerged to the HRC and loosened bloc divisions. For example the influence of the Non-Aligned Movement (NAM) and the OIC has declined. The African group has internal rifts and its members vote more independently than before. The amount of cross-regional initiatives has increased, which also suggests that there is a willingness to find agreement even beyond blocs. Most often these initiatives have occurred on thematic issues⁵⁸⁰, but regional groups have also increasingly tackled situations in their own region. Much also depends also on the importance states and other actors are ready to give to the HRC. The UN may lose some of its importance when more informal multilateral engagements, such as the G20, prove to be more effective⁵⁸¹. However, the Arab Spring and crises in Syria and Ukraine have increased the importance of the Security Council and the Human Rights Council. It is still too early to give any final assessments on the impact of these crises on the EU's multilateral orientation towards the UN. However, it is important to reconsider the EU's role, as there are clear indicators of change⁵⁸². Taking into account the windows of opportunity provided by the changing global environment is of utmost importance for the EU's role at the HRC.

4.3 Chapter Conclusions

This chapter introduced the UN Human Rights Council; its mandate, institutional architecture, working methods, procedures and challenges. As one of the main strategic objectives of the EU is to support effective multilateralism at the UN, this particular body is an important arena for the EU human rights policy. However, at the HRC the EU member states are recognized participants and the EU only has an observer status. This creates challenges for EU participation, the preconditions of which this chapter clarified. Special attention was given to the legal-institutional and political framework conditions for EU action and performance. It was claimed that research that aims to understand the EU's role at the HRC needs to take into account both individual and collective aspects of EU actorness, as well as complex divisions of competencies. There may be different role entrepreneurs inside the EU, as well as reluctance to increase the collective EU role at the UN context.

⁵⁷⁷ Dennison & Dworkin 2010, 3.

⁵⁷⁸ Costa & Jørgensen (eds.) 2012.

⁵⁷⁹ Koops 2013, 81.

⁵⁸⁰ Rathgeber 2013, 5.

⁵⁸¹ See Jokela 2011

⁵⁸² Duke 2013, 15.

The external political environment and the institutional rules of the UN may set even more demanding conditions for the EU's ambitions and performance. External others, such as other UN member states and regional organizations, are not necessarily willing to accept enhanced EU status at the UN bodies.

From the perspective of normative power, the EU's role at the HRC is an interesting case. Here the EU's strong advocacy on human rights meets a global audience and seeks acceptance. It can be claimed that the HRC provides the main forum for the EU to search for legitimacy for its external human rights policy⁵⁸³. As chapter two noted, this legitimacy is related to EU participation and 'rightful action' based on legitimate norms and instruments. Even if the EU is internally rather well-equipped⁵⁸⁴ to promote human rights at the UN, this is not an easy task. Agreement on universal norms is rather difficult to achieve between participants with highly different cultural and political backgrounds. Even if the EU would see itself as a promoter of universal norms, this universality is easily contested. Hence, according to Macaj and Koops, the HRC presents a case of "inconvenient multilateralism" for the EU. The EU's ambition to further multilateral working methods can sometimes even work against its values.⁵⁸⁵ The EU has faced strong opposition as the external political environment has often been hostile towards the EU position and many HRC member states have defended the principle of non-interference at the cost of the universal protection of human rights. In such an environment, the EU's multilateral preference seems to collide with the ambition to further human rights in the world. The EU role as a normative power should receive recognition and acceptance from others. In this respect, the HRC can provide insights on how the EU's normative power role is perceived at the global level. External perceptions of the EU as a human rights power are likely to be rather mixed, because of differences in norm interpretations and power relations. However, these perceptions are crucial in understanding the challenges the EU's human rights role faces in the world.

As a conclusion, the key challenge for the EU's assumed normative power role at the HRC is to influence other actors and produce outcomes. The EU may have a positive self-image and highly ambitious human rights objectives. It may also succeed to overcome its internal obstacles and manage to speak with one voice. However, these are not necessarily enough for reaching desired outcomes. External perceptions influence the EU's performance and ability to play the role of a normative power. The following empirical chapters (5-7) will study the EU's normative power role at the HRC from three different perspectives based on role theory: the EU's self-image, its role performance, and external perceptions of its role. Together these three perspectives are able to provide a comprehensive picture of the EU role at the HRC.

⁵⁸³ Smith K. 2013, 65-66.

⁵⁸⁴ Well-equipped in the sense that the number of EU member states and states aligning to EU positions is rather big. The EU is also the largest financial contributor to the UN. Furthermore the EU means to influence with soft measures is considered to fit well into the UN environment.

⁵⁸⁵ Macaj & Koops 2011, 80.

5 The Self-perception of the EU at the HRC

According to Tiilikainen, the self-understanding of the EU is one of the most essential factors shaping its role in world politics⁵⁸⁶. Hence, this self-perception forms the very starting point for analyzing the EU's role at the Human Rights Council. By definition, the EU's own *role conception* refers to a set of norms expressing the self-expected foreign policy behaviour and EU approaches to other actors. Because human rights represent core EU values, this particular policy carries important identity traits. As chapter two noted, the EU prefers more positive images of itself, and some EU policy-makers have keenly adopted the normative power role ideal. The normative power role focuses on the defence of universal principles with non-coercive methods, preferring dialogue and co-operation with different partners in multilateral institutions⁵⁸⁷. Secondly, normative powers are assumed to be able to influence others, for example, by leading through example. However, the consensus behind this kind of collective EU role is often taken for granted⁵⁸⁸. This chapter examines whether the ego side of the EU's role at the HRC is coherent and supportive of such a role.

The first task is to explain how collective role perceptions can be studied. It is assumed that collective roles are communicated through official foreign policy documents and through the more unofficial opinions of policy makers. This is why this chapter concentrates first on studying EU self-perception by examining its key human rights policy documents and statements. These include, for example, the Strategic Framework and Action plans on Human Rights and Democracy, and the Annual Reports on Human Rights. Secondly, EU documents with a specific focus on the UN human rights fora, such as EU priorities and statements related to HRC work are examined⁵⁸⁹. Thirdly, more issue specific HRC documents include EU statements delivered at the HRC by EU leaders (HR/VP, SR), EU delegation, Council Presidency or other member states speaking on behalf of the Union. More than 100 different documents were used to study the major components of the EU self-image at the HRC. These public statements can be considered to express the EU's common will, as they become possible only when there is an agreement between the member states⁵⁹⁰. Often the actor's role claims show a high level of path dependency. That is why this chapter starts with a historical perspective on EU role claims at the HRC and proceeds by looking at their possible continuity and change after 2012.

However, EU documents and statements can only reveal the *official side* of the EU's self-image. In order to find out the more *unofficial* EU role perceptions, listening to policy-makers who take part in the HRC proceedings is essential. The unofficial self-image of the EU at the HRC is examined through theme-based interviews with 23 EU and EU member states' human rights experts conducted in 2013-2014⁵⁹¹. The interviewees were working in their national delegations and in the EU delegation in Geneva. Some interviews were also conducted in Brussels in the EEAS. This unofficial

⁵⁸⁶ Tiilikainen 2011, 188.

⁵⁸⁷ See also Lucarelli 2013, 429; Aggestam 2013, 457; Bengtsson & Elgström 2011, 113; Elgström & Smith 2006a, 2-3.

⁵⁸⁸ See for example Carta 2008.

⁵⁸⁹ The documents are available through the websites http://eeas.europa.eu/human_rights/index_en.htm (EEAS, EU and human rights pages), <http://eu-un.europa.eu/> (EU at the UN), and http://www.eeas.europa.eu/delegations/un_geneva/index_en.htm (EEAS in Geneva).

⁵⁹⁰ Tiilikainen notes how this "common will" can be legitimized at least in a procedural sense (Tiilikainen 2011, 189).

⁵⁹¹ See Appendix 1 for interview themes and participants.

side of the EU's self-image brings attention to how different actors are involved in defining the EU role⁵⁹². These views are also able to go beyond the EU rhetoric and reveal possible incoherence in EU role perceptions.

5.1 Historical Perspective to EU Role Claims

The EU's role in the establishment of the HRC

In 2004-2005 the UN member states recognized the vital need to reform the UN human rights system. According to EU views, the institutional change should elevate the role of human rights in the UN, and the EU expressed its dedication to such reforms.⁵⁹³ The World Summit of September 2005 decided to establish the Human Rights Council⁵⁹⁴. As the EU had expressed its strong commitment to multilateralism and a stronger UN⁵⁹⁵, and to human rights more generally, it was assumed to take an active role in the formation of the new body. However, the EU's position was rather conservative, supporting merely modest changes⁵⁹⁶. According to Macaj and Koops, the EU role was constrained by the fact that there was no EU agreement on the assessment of the track record of the previous CHR, or its possible alternatives⁵⁹⁷. However, the EU position evolved, and it started to support considerable and rapid changes⁵⁹⁸. Towards the end of the negotiations, a more visible EU role was also boosted externally, as the US decided to oppose the founding of the HRC⁵⁹⁹. The EU was left alone to defend the Western European and Other States Group (WEOG) positions. The UN member states had very differing opinions about what the composition, mandate and role of the new Council should be. The EU underlined the need to create a more effective and efficient body, able to genuinely contribute to the promotion and protection of human rights⁶⁰⁰. The main, freestanding nature of the Human Rights Council was a fundamental part of the EU's position:

*The European Union is committed to equipping the UN with a human rights body with an enhanced status, which restores human rights to the central role originally given by the Charter. We need a human rights body...which is able to address human rights matters and situations more quickly, more effectively and more efficiently.*⁶⁰¹

The EU saw the need for more frequent meetings of the HRC to ensure its ability to address urgent cases in a timely manner⁶⁰². It also held firmly to the view that there should be possibilities to call Special sessions in between regular sessions on pressing human rights matters and situations.⁶⁰³

⁵⁹² Aggestam 2006, 17.

⁵⁹³ See UNGA Economic and Social Council: *Summary of the open-ended informal consultations held by the Commission on Human Rights*, 21.6. 2005.

⁵⁹⁴ UNGA Resolution 60/1, *2005 World Summit Outcome*, 16.9.2005, page 33.

⁵⁹⁵ Especially in the EU Security Strategy 2003.

⁵⁹⁶ Smith K. 2010, 226.

⁵⁹⁷ Macaj & Koops 2011, 72-73.

⁵⁹⁸ Wouters et al. 2008, 8.

⁵⁹⁹ The US voted against the HRC founding resolution.

⁶⁰⁰ EU Speaking Points at UNGA – Human Rights Council, 11.1.2006.

⁶⁰¹ EU Presidency Statement at UNGA - Human Rights Council, 11.10. 2005.

⁶⁰² EU Presidency statement at UNGA – Human Rights Council: Status, Size, Composition and Membership, 24.10. 2005.

⁶⁰³ EU Presidency Statement at UNGA - Human Rights Council: Working Methods, Rules of Procedure, Transition, 1.11. 2005.

Although the EU highlighted the need for dialogue, cooperation and assistance, alarming human rights situations should be addressed even without the cooperation of the involved countries. The EU also insisted on developing measures for the implementation of established standards⁶⁰⁴. The EU aimed to gain support for creating an effective mechanism, but continued to face disagreement by a number of delegations⁶⁰⁵. Many developing countries opposed the founding of specific country mandates and demanded that these could be established only with the consent of the country in question. They also supported the election of the Council's members by a simple majority of the General Assembly (GA) and required no membership criteria. The EU insisted that the Council should consist of states that can demonstrate their commitment and contribution to human rights. According to the EU position, 2/3 majority of the UN membership would be needed to elect the members of the HRC.⁶⁰⁶

Because of the apparent disagreements on several issues, the EU had to make some concessions. It accepted a smaller size for the Council, which also meant a smaller percentage of members from the WEOG⁶⁰⁷. Also the Council members would be elected by a simple majority of the GA, which meant that human rights violators could still reach Council membership. However, several innovations were added to the membership criteria, such as the elimination of permanent membership by compelling rotation, a review of the member's records, and the possibility to suspend membership in cases of human rights violations. Finally, the General Assembly resolution 60/251⁶⁰⁸, which established the new human rights body, provided a consensus outcome and was supported by the EU⁶⁰⁹. The EU was willing to take an active role in the new Council;

*The EU considers that the resolution represents a genuine effort to enhance the credibility and effectiveness of the multilateral human rights system as we know it today. Not everything the EU had aimed was reflected in the final text. However... the resolution meets the basic requirements which made the text acceptable as a compromise... The agreement on the new Human Rights Council underlines the willingness of the international community to strengthen the promotion and protection of human rights. The EU hopes this commitment will be translated into tangible improvements of the situation of human rights on the ground... The EU will make every effort to ensure that the Human Rights Council will be able to fulfil its mandate responsibly and effectively.*⁶¹⁰

However, the adoption of the founding resolution was only the first step in creating a working Council, and disagreements concerning its more specific methods continued during the initial period (June 2006 – June 2007). The primary focus of the first year was to carry out the Council's institution-building activities in a quick and efficient manner. Eventually the institution-building package was

⁶⁰⁴ EU Speaking Points at UNGA – Human Rights Council 11.1. 2006.

⁶⁰⁵ Wouters et al. 2008.

⁶⁰⁶ EU Presidency Statement at UNGA – Human Rights Council, 6.2. 2006.

⁶⁰⁷ When compared with the CHR, the percentage of WEOG members was reduced from 19% to 15% of the total HRC members. In practice this change has not really been critical if the amount of EU member states at the HRC is considered.

⁶⁰⁸ UN General Assembly Resolution 60/251 establishing the Human Rights Council 15.3. 2006.

⁶⁰⁹ EU Presidency Statement at UNGA - Human Rights Council, Explanation of Vote, 15.3.2006.

⁶¹⁰ Declaration by the Presidency on behalf of the European Union on the establishment of the UN Human Rights Council, Brussels 16.3 2006.

adopted in June 2007⁶¹¹, setting the framework for the Council's work. The HRC formed a key priority for the EU in 2006-2007, as it saw the long-term impact of the first decisions for the future functioning of the Council⁶¹². The EU saw itself as a "key actor in all aspects of the Council's work", which, despite severe opposition and numerical minority, at least by its own assessment, could achieve most of its stated goals⁶¹³. In general, a united and firm EU approach was considered to contribute to EU success most effectively.⁶¹⁴ The EU took an active role in both the consultative process leading up to the establishment of the Working Group on Special Procedures and in the debates of the group itself, as well as in outlining the working methods of the new HRC Universal Periodic Review (UPR) mechanism⁶¹⁵.

From the perspective of normative power, the EU's role claims during the establishment of the Council are in line with normative power role assumptions. As this section demonstrated, the EU was eager to defend human rights as *values* and elevate their status in the UN system. The EU positions reflect its commitment to human rights principles developed at the international level. Furthermore, the EU was willing to elevate the status of the HRC as a guardian of these principles. The EU seemed to support multilateral solutions to human rights issues, but this approach also included contradictory elements. On the one hand, the EU aimed to enhance dialogue, cooperation and assistance between states, while on the other hand the EU views reflected a willingness to create an effective mechanism to intervene in human rights violations in individual countries. Hence, the EU was ready to resort to harder measures if the country in question was not willing to cooperate, an approach that was not supported by many other delegations. The EU statements also showed its aspiration to be a key actor at the HRC. According to Bengtsson and Elgström, normative power also needs leadership, which may be related to its "ideational legitimacy"⁶¹⁶. The EU's self-image is that of a leader, but in the HRC establishment negotiations, the EU could not change others' opinions, and needed to make compromises. However, it still managed to be an actor with clear objectives and a vision.

The EU's role at the HRC in 2007-2010

Besides negotiations on the institution-building package, the first years of the Council (2006-2010) included several thematic and country-specific issues. The HRC resolutions were mainly adopted by consensus, underlining the "cooperative spirit" of the body. However, group dynamics dominated the agenda, and moderate countries were not able to challenge strong players. Western initiatives often faced serious objection, while Southern governments succeeded to block efficient actions taken against their governments. This was apparent in the Council's inability to take decisive action with regard to some country-specific situations⁶¹⁷. From the EU perspective, the credibility of the HRC was diminished, as it remained silent in many situations⁶¹⁸. Furthermore, the situation in the Occupied Palestinian Territory received excessive attention as a permanent agenda item (item 7)⁶¹⁹ and in

⁶¹¹ UN Human Rights Council Resolution 5/1: Human Rights Council "Institution-building package" 18.6. 2007.

⁶¹² EU Annual Report on Human Rights 2007, 7.

⁶¹³ EU Annual Report on Human Rights 2007, 63-64.

⁶¹⁴ EU Annual Report on Human Rights 2007, 84-85.

⁶¹⁵ Wouters et al. 2008, 13-17.

⁶¹⁶ Bengtsson & Elgström 2011, 117-118.

⁶¹⁷ Wouters & Meuwissen 2013, 3.

⁶¹⁸ EU Statement – UNGA: Report of the HRC 3.11. 2010.

⁶¹⁹ See HRC agenda items table 2, section 4.1.

Special sessions. Another dividing issue was the defamation of religions or freedom of expression. Thus, politicization and selectivity could not be avoided, and the membership of several states with suspicious human rights records diminished the credibility of the HRC. This UN “politics as usual” preconditioned the EU’s role possibilities.

The EU’s active engagement and rhetoric during the establishment of the Council had raised high expectations in other actors. As the US boycotted the HRC⁶²⁰, the EU was seen as the most likely candidate to take leadership. However, as Karen Smith notes, this expectation was quite unreasonable⁶²¹ as the absence of the US left the EU alone and rather isolated. According to Gowan and Brantner, in 2007-2010 the drifting away from the Western human rights positions was apparent at the UN⁶²². The EU needed to balance between two fronts, as the US aimed to undercut the UN, and powers such as China and Russia were setting limits to human rights concerns⁶²³. The EU was internally united and delivered common positions in several issue areas, but unity demanded heavy internal EU coordination, which made EU positions inflexible. Furthermore, the EU needed to adjust its working practices to meet the Lisbon treaty objectives; for example, from 2010 onwards the role of the EU delegation in Geneva was enhanced, even if it lacked relevant resources and experience on how to work in the HRC environment⁶²⁴. However, much more detrimental was the lack of a clear common strategy or objectives required for a long-term planning. Several evaluations also underlined the urgent need to improve the EU’s outreach capabilities at the HRC.⁶²⁵ The EU noted the need to make compromises in order to gain support from other actors. However, at the same time it was considered to be counterproductive, if the EU was to ‘lower the bar’ too much by compromising its values⁶²⁶. Many NGOs already had criticized the EU for the moderate results achieved at the HRC⁶²⁷. The EU was also accused of adopting a rather neutral position⁶²⁸ in order not to break its economic and political ties with important parties. Member states’ important interests were seen to hinder more ambitious EU aims, and led easily to the adoption of lowest common denominator positions⁶²⁹. A more remarkable defeat was the fact that the EU did not put forward many country-specific resolutions, as it realized that these would not gain support. The EU could not, for example, prevent the termination of the mandates on Belarus and Cuba, and renew the expert mandate on the Democratic Republic of Congo. The EU was reluctant to have open conflicts with the OIC and African group, who dominated the debates and were able to collect majorities in the Council.

⁶²⁰ The US boycotted HRC mainly because of controversies concerning its membership criteria. It took a rather passive stance towards the HRC reflecting its more general attitude towards other international bodies after the Cold War (see especially Freedman 2013, chapter 7). The US joined the HRC in 2009 as a sign of its “new era of engagement” in foreign policy.

⁶²¹ This is because the US had had serious difficulties with leadership already in the CHR (Smith K. 2010, 228).

⁶²² See Gowan & Brantner 2008a, 2009a, 2010.

⁶²³ Gowan & Brantner 2010, 1.

⁶²⁴ Laatikainen notes how the Lisbon treaty did not provide for a transition period, and the changes occurred directly when the treaty went into force (Laatikainen 2010, 481.).

⁶²⁵ Gowan & Brantner 2008, 2009b; Smith K. 2011, 2.

⁶²⁶ Smith K. 2010, 234-236.

⁶²⁷ See for example Roth 2007.

⁶²⁸ Freedman points out EU neutrality especially in relation to Darfur, see Freedman 2013.

⁶²⁹ Smith K. 2010, 237.

The EU's role at the HRC in 2007-2010 has many features of normative power, but there are also clear reservations for such a role⁶³⁰. Overall, EU efforts in 2007-2010 draw a picture of the Union as a strong supporter of the HRC, and a defender of the Special Procedures and the Universal Periodic Review process⁶³¹. The EU, for example, proclaimed that it could "lead by example" with respect to both, being reviewed and reviewing others⁶³². As the EU did not act collectively in the UPR, there were demands that it should be more prominent in this process⁶³³. Hence, the EU proclaimed that it would incorporate the follow-up of UPR recommendations into EU human rights dialogues and consultations with other countries⁶³⁴. The EU also continued to raise several country specific human rights situations at the HRC⁶³⁵ and was a visible actor in the HRC deliberations, resolutions and procedural matters when its collective efforts are taken into account⁶³⁶. These activities demonstrate how the EU aimed to keep the HRC running⁶³⁷, and cooperated even with the most challenging partners, such as the OIC, to reach this aim. The EU was also empowering NGOs to participate in the HRC's work and listened to their views⁶³⁸. These acts underline the EU's constructive engagement with the HRC, and are in line with the normative power role. However, the EU's consensus-driven, defensive and reactive stance was not considered to match with the leadership expectations.⁶³⁹ The EU's emphasis on cooperation and dialogue contradicted its strong value commitments. As a conclusion, playing the role of a normative power created a dilemma for the EU, as it could not decide which of its commitments was more important. Externally, the legitimacy of the normative power role would be weakened whatever the EU chose to do.

EU role in the HRC review

The HRC review process was conducted in 2010-2011⁶⁴⁰ and country positions in the review reflected the controversies that had appeared in the Council's work already from the beginning. Many states were defending cooperation and dialogue as the principal methods of work, and were eager to maintain the HRC agenda as it is⁶⁴¹. According to the EU, the 2011 review process "should contribute to improving the Council's ability to systematically implement all aspects of its mandate, by addressing concrete gaps and shortcomings in any aspect of its work and functioning".⁶⁴² The EU aim was to achieve "a real, substantive outcome of the Review process"⁶⁴³. In reality the most important task was to prevent unwelcome changes. According to the EU's position "the main challenge for the Council lays in its ability to uphold and ensure the implementation of existing international norms

⁶³⁰ Basu 2012, 98-99.

⁶³¹ See EU Statement – HRC: Item 5: General debate 8.6. 2010.

⁶³² Basu 2012, 95.

⁶³³ Wouters et al. 2008, 22.

⁶³⁴ EU statement – HRC: Interactive dialogue with High Commissioner for Human Rights 4.3.2010.

⁶³⁵ Especially through Special sessions initiated by the EU.

⁶³⁶ For details, see section 6.3 table 4

⁶³⁷ Smith K. 2010, 236-237.

⁶³⁸ EU Annual Report of Human Rights 2008, 127 and 208.

⁶³⁹ See Brantner & Gowan 2008, 96; Smith K. 2010, 232; Basu 2012, 95; Laatikainen 2010.

⁶⁴⁰ A general introduction to the HRC review is outlined in section 4.1

⁶⁴¹ Especially in relation to addressing human rights situations, the NAM, the OIC, Group of African States and Russia were conserving the status quo, see comments made during the review from the outcome document.

⁶⁴² EU Statement – HRC: EU Contribution for the First Session of the OEWG, 7.10. 2010.

⁶⁴³ Speech of HR/VP Catherine Ashton at HRC 16th session, High-Level Segment 28.2.2011.

and standards”⁶⁴⁴. The EU also aimed to rationalize the HRC work by, for example, merging agenda items, improving information sharing, and bi-annualizing resolutions. These EU views were widely shared among Western states and human rights organizations. According to the EU position:

*What truly matter are the outputs. The real test is whether we make a difference on the ground. For this reason, the EU will work hard to strengthen the Human Rights Council and especially its ability to address urgent situations. This is a key objective of the on-going review process. We continue to push for an ambitious result.*⁶⁴⁵

From the EU perspective, mere dialogue was not enough, and more diverse tools should be developed to better address different situations⁶⁴⁶. According to the EU statement “not using the HRC review for creating new tools and methods for dealing with situations of concern would be a missed opportunity”. The EU supported the creation of independent trigger mechanisms for holding special sessions. One less politically loaded opportunity was also the convening of informal meetings by the HRC president based on information coming from stakeholders.⁶⁴⁷ The EU aimed to increase the role of human rights organizations and National Human Rights Institutions (NHRIs), in delivering relevant information. The EU demanded that States under Review (SuRs) should provide clear, written answers to all the recommendations⁶⁴⁸. The EU wanted more time for discussing the UPR reports and suggested that the given recommendations should be mainstreamed within the UN system⁶⁴⁹.

From the perspective of the normative power role, the EU continued to defend international principles and multilateral cooperation and dialogue in human rights. However, it also aimed to ensure the implementation of these norms and principles on the ground and searched for ways to improve human rights protection. Even if the EU approved the outcome document of the HRC review⁶⁵⁰, it noted that this did not include substantial improvements. For example, higher membership standards were not incorporated into the final outcome of the review, which was an EU objective. The outcome included some modalities for the second cycle of the Universal Periodic Review, the creation of the Office for the President of the Council, and enabled statements through video messages, and also broadcasting the HRC sessions on the internet. For the EU, this kind of outcome was minimalistic, even if it safeguarded features that were priorities for the EU⁶⁵¹. Hence, instead of producing changes, the EU had to defend the status quo in the review. The EU was not alone with its dissatisfaction as also other countries, such as Mexico, Australia, Canada, the US, Chile and Japan, and civil society organizations expressed their disappointment⁶⁵². The EU hoped that the ideas presented during negotiations could be considered in other occasions in the future⁶⁵³. As a conclusion, the main challenge of the normative

⁶⁴⁴ EU Statement – HRC: EU Contribution for the First Session of the OEWG, 7.10. 2010.

⁶⁴⁵ Remarks by Catherine Ashton on the UN Human Rights Council at the European Parliament, 9.3. 2011, Strasbourg.

⁶⁴⁶ Smith K. 2011, 30-31; see also Human Rights Watch 2010, 10-11.

⁶⁴⁷ EU Statement – HRC: Second Session of the OEWG, 7.2. 2011.

⁶⁴⁸ EU intervention – HRC: Second Session of the OEWG, 17.2.2011.

⁶⁴⁹ See for example Amnesty International 2011, 21-22; Human Rights Watch 2010.

⁶⁵⁰ See country/EU comments in HRC Report of the open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council 4.5.2011.

⁶⁵¹ EEAS 2012: *Human rights and democracy in the world: Report on EU action in 2011*, 121.

⁶⁵² Canada and the US also voted against the adoption of the review resolution in the GA (resolution 65/281), which again shows harder attitude towards the HRC.

⁶⁵³ EU Explanation of vote – HRC: 16th session, adoption of the review resolution 16/21, 25.3. 2011.

power role was the EU's incapability to influence outcomes. Despite the challenges, the EU's role conception seemed to be rather stable during the establishment, the first years, and the review of the HRC.

5.2 EU Role Claims at the HRC since 2012

The year 2012 forms an important dividing line for the EU human rights role at the HRC for two reasons. First, the HRC review came to a conclusion, and several human rights crises⁶⁵⁴ started to reshape the HRC work and bloc formations. Secondly, the EU started to implement the Lisbon treaty demands and renewed its approach to an external human rights policy. According to the EU "the task in hand is to ensure the clarity, coherence, and effectiveness of policy, by being smarter and more strategic"⁶⁵⁵. As a consequence, the EU, for example, rearranged its methods of cooperation, and started to deliver lists of human rights priorities at the UN. This chapter focuses on three main aspects of the EU role reflected in official documents since 2012: a defender of universal standards, a supporter and contributor to the UN, and a partner for others.

The EU as a defender of universal norms

The commitment to universal human rights norms and their defence is the most emphasized aspect of the EU human rights policy expressed in different documents, speeches and websites. In her speech to the European Parliament on 13 December 2011, the High Representative Catherine Ashton stated how "the EU works to have human rights running as a silver thread through a truly integrated range of external policies"⁶⁵⁶. This new integrated and comprehensive approach is apparent in EU documents: "the EU aims to promote universal human rights standards as basis for the EU's engagement with third countries and regional organizations"⁶⁵⁷. The main aim of the EU is to defend the universality of human rights in all EU relations: "the EU will continue to promote and defend the universality and indivisibility of all human rights in partnership with countries from all regions, in close cooperation with international and regional organizations, and with civil society"⁶⁵⁸. Furthermore, according to the EEAS webpage "by ensuring that human rights are the silver thread of external policies, the EU can act as a world leader and aim to build effective partnerships"⁶⁵⁹. This kind of self-image underlines the EU's aspiration to lead through its own example, which is one of the norm-diffusion mechanisms used by normative powers.

The EU statements also draw a picture of the EU as a contested defender of universal principles. The EU Action plan for the years 2015-2019 expresses that "in an increasingly challenging global

⁶⁵⁴ Côte d'Ivoire, Libya and Syria, see Gowan & Brantner 2011.

⁶⁵⁵ Joint Communication to the European Parliament and the Council: *Human Rights and Democracy at the heart of EU action – towards a more effective approach*, 12.12. 2011.

⁶⁵⁶ Catherine Ashton 2011, speech to European Parliament in the presentation of the Joint Communication to the European Parliament and the Council on Human Rights and Democracy at the Heart of EU External Action – *Towards a More Effective Approach*, 13.12. 2011.

⁶⁵⁷ *EU Annual Report on Human Rights 2014, (draft version)* 22.6. 2015

⁶⁵⁸ The Council of the European Union 2015, *Action Plan for Human Rights and Democracy 2015-2019* 20.7.2015

⁶⁵⁹ See http://eeas.europa.eu/top_stories/2012/060112_hr_silverthread_en.htm (accessed 12.9.2015)

environment, the relevance of universal standards is questioned and the EU's endeavour to promote them meets with growing resistance"⁶⁶⁰. According to the EU's Human Rights Strategy:

*The EU will resist strenuously any attempts to call into question the universal application of human rights and will continue to speak out in the United Nations General Assembly, the UN Human Rights Council and the International Labour Organisation against human rights violations.*⁶⁶¹

From this perspective, human rights violations are conducted by other parties, not the EU. Also the EU Action plan for 2015-2019 notes how "in today's complex crises and widespread violations and abuses of human rights and fundamental freedoms require ever more determined efforts by the EU"⁶⁶². This kind of self-perception underlines the EU's role as a guardian of human rights, which invokes universal standards and treaty obligations. Furthermore, the EU emphasis on empowering civil society and local organizations in their human rights efforts underlines the EU's commitment to defend human rights norms: "the EU will continue to ensure that multilateral fora remain open and safe spaces for human rights defenders and civil society representatives, and will speak out against any reprisal targeting those who cooperate with the UN human rights bodies"⁶⁶³. From the EU perspective "cultural diversity or different civilizations cannot be an alibi for not respecting and promoting human rights"⁶⁶⁴. These efforts are considered as a threat to universal, not only to European, human rights standards. According to the EEAS website "by speaking with one voice, the EU is a powerful force for good in the world"⁶⁶⁵. Other actors are norm challengers or breakers.

The EU's new more active approach towards economic, social and, cultural rights (ESCR), aims to meet the calls of the developing world. The EU willingness to work on behalf of *all* human rights is strongly underlined. The EU Human Rights Strategy declares how "the EU reaffirms its commitment to the promotion and protection of all human rights, whether civil and political, or economic, social and cultural"⁶⁶⁶. The EU's Annual report 2014 also notes how "as an advocate of the universal, indivisible, interdependent and interrelated nature of all human rights, the EU considered that economic, social and cultural rights are part and parcel of its external policy"⁶⁶⁷. One of the aims in the EU action plan (action 9) is to address specific questions related to ESCR in dialogues with third countries. The EU sees the HRC as the EU's focal spot for shaping the agenda on these rights:

*As a firm advocate of the universal, indivisible, interdependent and interrelated nature of all human rights, the EU will intensify its efforts to promote and protect economic, social and cultural rights. The EU will contribute to shaping the agenda on economic, social and cultural rights with specific focus on the UN Human Rights Council.*⁶⁶⁸

⁶⁶⁰ European Commission 2015, Joint Communication to the European Parliament and the Council, *Action Plan on Human Rights and Democracy 2015-2019*, 28.4. 2015, p. 5.

⁶⁶¹ The Council of the European Union 2012, *EU Human Rights Strategy* 25.6.2012.

⁶⁶² The Council of the European Union 2015, *Action Plan for Human Rights and Democracy 2015-2019* 20.7.2015

⁶⁶³ The Council of the European Union 2015, *Council Conclusions on EU priorities at the UN human rights fora 2015*, 9.2. 2015.

⁶⁶⁴ EU statement at the HRC 28th session: High-level Panel on Human Rights Mainstreaming, 3.3. 2015.

⁶⁶⁵ See http://eeas.europa.eu/top_stories/2012/060112_hr_silverthread_en.htm (accessed 12.9.2015). This image of the EU as a "force for good" is already expressed in the EU Security Strategy (2003).

⁶⁶⁶ The Council of the European Union 2012, *EU Human Rights Strategy* 25.6.2012.

⁶⁶⁷ EU Annual report on Human Rights 2014, p. 19, (draft) 22.6. 2015

⁶⁶⁸ The Council of the European Union 2014, *Council Conclusions on EU priorities at the UN human rights fora 2014*, 10.2. 2014.

According to Wouters and Meuwissen, this aspiration has not been sufficiently materialised or when it has, these initiatives have been undertaken by individual EU states⁶⁶⁹. This is because member states' positions differ in the ESCR⁶⁷⁰. The Action Plan for the years 2015-2019 mentions how the EU "emphasizes the clear recognition of the human rights dimension in areas such as social policy, health, education, access to food and water, or standard of living".⁶⁷¹

The EU as a supporter and contributor to the HRC

Another important aspect of the EU's self-perception is the emphasis given to multilateral human rights system and the EU role therein. According to the EU view "the EU has been at the forefront in building strong standards and mechanisms for the promotion and protection of human rights at the United Nations, the Council of Europe and the OSCE"⁶⁷². In this respect the EU sees itself as an example and model for others. An active and strong EU role is emphasized: "the EU is, and will remain, a vocal advocate of human rights, and lends its full support to the multilateral human rights system...the EU will be an active and determined participant in the UN Human Rights Council and the General Assembly sessions."⁶⁷³ According to EU views: "the UN is a vital forum for international action against human rights violations and abuses".⁶⁷⁴ On many occasions the shared objectives of the EU and the UN are underlined. The EU notes, for example, how "promoting and protecting human rights for all, without any discrimination is our shared objective. We share your aim of mainstreaming human rights throughout the UN system".⁶⁷⁵ These statements draw a picture of the EU as an active supporter of the UN and its diverse bodies and mechanisms. Importantly, the EU describes its relationship with the High Commissioner as an on-going rich and fruitful dialogue⁶⁷⁶. From the EU perspective, this cooperation is beneficial for both parties. Furthermore, according to its own statements, the EU also aims to promote the ratification and implementation of key international human rights treaties, often originating from the UN bodies: "On a bilateral basis, most notably during human rights dialogues, the EU regularly encouraged third countries to ratify and effectively implement the UN human rights instruments, and to reconsider or withdraw reservations"⁶⁷⁷. Thus, the UN standards and reports are used as valid criteria and a basis for cooperation in EU relations to other parties. According to EU statements "The EU is firmly convinced that the special procedures play a key role in rendering international human rights law operative"⁶⁷⁸.

⁶⁶⁹ Wouters & Meuwissen 2013, 18.

⁶⁷⁰ This was also mentioned in many interviews with external actors.

⁶⁷¹ The Council of the European Union 2015, *Action Plan for Human Rights and Democracy 2015-2019* (action 17) 20.7.2015

⁶⁷² European Commission 2015, Joint Communication to the European Parliament and the Council, *Action Plan on Human Rights and Democracy 2015-2019*, 28.4. 2015, p. 5.

⁶⁷³ The Council of the European Union 2014, *Council Conclusions on EU priorities at the UN human rights fora* 2014, 10.2. 2014.

⁶⁷⁴ The Council of the European Union 2015, *Council Conclusions on EU priorities at the UN human rights fora* 2015, 9.2. 2015.

⁶⁷⁵ EU statement at the HRC 20th session: Update by the United Nations High Commissioner for Human Rights, 18.6.2012.

⁶⁷⁶ EU intervention HRC 22nd session: Interactive dialogue with the High Commissioner for human rights, 28.2. 2013.

⁶⁷⁷ *EU Annual report on human rights and democracy in the world in 2013*, p. 25, 23.6.2014

⁶⁷⁸ EU statement at the HRC 27th session: Human Rights bodies and mechanism 17.9. 2014.

The EU's more particular dedication to support the HRC is expressed, for example, in the Human Rights Strategy "the EU underlines the leading role of the Human Rights Council in addressing urgent cases of human rights violations and will contribute vigorously to the effective functioning of the Council"⁶⁷⁹. The EU's motivation to be active in the HRC is assumed to derive from its own value-basis. For example, according to High Representative Frederica Mogherini "the EU has been a staunch supporter of this Council from its inception, because it embodies the principles underlying the very foundation of the EU – human rights, fundamental freedoms, solidarity and justice"⁶⁸⁰ This basis also explains why the EU perceives itself as a natural supporter and contributor of the HRC. In the Council conclusions on EU priorities at the UN human rights fora, the EU's active role in the HRC is also confirmed on a yearly basis "the EU is determined to continue contributing strongly to the important work of the HRC in cooperation with all other stakeholders [...] The EU will actively participate in the sessions of the HRC".⁶⁸¹ The HRC ability to focus on human rights crises is appreciated by the EU: "the European Union is pleased to note that the Council has maintained its leadership in addressing human rights situations"⁶⁸². According to the EU Annual report 2014 the EU is "playing an active and pivotal role, particularly in relation to country resolutions and thematic issues such as freedom of religion or belief and rights of the child"⁶⁸³ The EU also notices the wide relevance of HRC recommendations: "the EU and its member states will raise the Universal Periodic Review recommendations made during the Council sessions... in their bilateral relations with third countries. The EU also notices the authority of these recommendations within its own frontiers".⁶⁸⁴ This self-perception as a supporter of the UN provides a continuum for the earlier EU role claims at the HRC.

Engagement, cooperation and dialogue with partners

The third essential element emphasized in EU documents is the focus on normative measures such as dialogue, cooperation, and engagement with partners. The willingness to cooperate with others is reflected in all EU lists of priorities at the UN human rights fora since 2012. The idea is to mobilize cross-regional cooperation for an effective UN human rights system⁶⁸⁵. The EU Action Plan for Human Rights for the years 2015-2019 notices that:

*Promoting values through exogenous action alone is often not effective. Therefore, efforts should be focused on supporting endogenous forces. The EU should empower interlocutors in third countries (governmental, parliamentary, and quasi-governmental), reinforce the role of the judiciary, continue to support the civil society...and promote enabling environments, strengthen the role and impact of regional organizations and mechanisms and reinforce cooperation with the UN*⁶⁸⁶.

⁶⁷⁹ The Council of the European Union 2012, *EU Human Rights Strategy*, 25.6. 2012.

⁶⁸⁰ Frederica Mogherini 2015, speech at the HRC 28th session High-Level Segment, 3.3. 2015.

⁶⁸¹ The Council of the European Union 2012, *Council Conclusions on EU priorities at the UN Human Rights Council* 27.2.2012.

⁶⁸² EU Statement at UN General Assembly: Report of the Human Rights Council 17.11. 2014.

⁶⁸³ EU Annual Report on human rights 2014, p. 24 (draft) 22.6.2015.

⁶⁸⁴ The Council of the European Union 2012, *EU Human Rights Strategy*, 25.6. 2012

⁶⁸⁵ The Council of the European Union 2013, *Council Conclusions on EU priorities at the UN human rights fora* 2015, 18.2. 2013

⁶⁸⁶ European Commission 2015, Joint Communication to the European Parliament and the Council, *Action Plan on Human Rights and Democracy 2015-2019*, 28.4. 2015, p. 5.

The EU Human rights strategy mentions how “the EU will always seek constructive engagement with third countries...and will continue to deepen its human rights dialogues and consultations with partner countries and aim to ensure that these dialogues lead to results”. It is also noted how the EU can help other states in realizing human rights and encourage the right kind of development: “the EU will work with partner countries to identify areas where EU geographic funding instruments can be used to support projects which bolster human rights, including support for human rights education and training”.⁶⁸⁷ The EU wish to “strengthen the dialogues with third countries by listening to partners on respective priorities and initiatives”⁶⁸⁸ reflects the EU aim of profiling itself as a more responsive partner towards third countries. The EU documents since 2012 focus on locally led political reforms and local ownership of human rights initiatives: “human rights can only take root where there is strong local ownership”⁶⁸⁹. In this respect the EU argues for tailor-made approaches to different countries⁶⁹⁰ that aim to represent EU flexibility towards different country situations.

In order to mobilize cross-regional cooperation, partnership with other regional organizations is important. According to the EU Human Rights Strategy “the EU will work in partnership with regional and other organizations such as the African Union, ASEAN, SAARC, the Organization of American States, the Arab League, the Organization of Islamic Cooperation and the Pacific Islands Forum with a view to encouraging the consolidation of regional human rights mechanisms”⁶⁹¹. The aim of “boosting ownership of local actors” also includes civil society organizations. According to the EU Human Rights Strategy “the EU places great value on its regular dialogue with civil society both inside and outside the EU”⁶⁹². The EU relationship with NGOs is based on consultation and political and financial support. For example, the EU is committed to consult civil society organizations ahead of human rights dialogues or in relation to key policy documents. The Action Plan for the years 2015-2019 notices the need to improve the quality of these consultations⁶⁹³. Hence, according to its self-perception, the EU is a strong advocate for different human rights defenders and organizations.

The three aspects of EU self-perception outlined in this section; a defender of universal principles, a supporter and contributor to the UN, and engagement, cooperation and dialogue with partners are in line with the normative power role. By supporting, mainstreaming and strengthening the UN principles and mechanisms, the EU sees itself as an advocate of international, not only European, standards. The EU is not forcing others to follow its priorities, but aims to empower them through finance and other means to shape the shared agenda. The EU is willing to find legitimacy for its positions by cooperating with different partners, such as regional and political organizations. The official self-image also points to the EU’s leadership based on showing an example for others in multilateral human rights forums. For example, the Action Plan on Human Rights mentions that: “the

⁶⁸⁷ The Council of the European Union 2012, *EU Human Rights Strategy* 25.6.2012.

⁶⁸⁸ The Council of the European Union 2012, *EU medium-term priorities at the United Nations (2012-2015)*, 23.5. 2012.

⁶⁸⁹ European Commission 2015, Joint Communication to the European Parliament and the Council, *Action Plan on Human Rights and Democracy 2015-2019*, 28.4. 2015, p. 6.

⁶⁹⁰ See EU Action Plan 2012, action 31, 25.6. 2012

⁶⁹¹ Council of the European Union 2012, *EU Human Rights Strategy*, 25.6. 2012.

⁶⁹² The Council of the European Union 2012, *EU Human Rights Strategy* 25.6.2012.

⁶⁹³ See EU Action Plan 2015-2019, action 7, 28.4. 2015

EU must lead by example...”⁶⁹⁴. As a conclusion, the official self-perception of the EU since 2012 shows increasing confidence to play a visible and determined role at the HRC rather than the adoption of more moderate objectives and role claims because of external challenges. The changing situation is perceived to offer better opportunities for the EU to play a normative power role.

5.3 The Practitioners' Perspective to EU Role

According to the EU's official documents, its role conception at the HRC reflects elements of the normative power role. This section examines the more unofficial EU self-perceptions by examining how the EU and member states' officials⁶⁹⁵ working on HRC related issues perceive the EU's role therein. It is based on 23 semi-structured theme interviews conducted in 2013-2014 among human rights experts in the Geneva delegations and at the Brussels headquarters. It brings attention to the fact that individual policy-makers are not passive actors, but are involved in the construction and shaping of roles. They have the scope for interpretation and choice, based on their experiences, calculations and reasoning.⁶⁹⁶ Practitioners also have important knowledge concerning the context and preconditions under which the EU aims to exercise its more specific roles. Hence, these more subjective perceptions are able to go “beyond the EU role rhetoric” and reveal different role expectations. Member states' visions of the proper EU role at the HRC may differ depending on the size, location, history and priorities of EU member states. For example member states' willingness to further the common EU approach is often related to their national priorities⁶⁹⁷. The interviews for this section were conducted under the promise of anonymity, and no direct references to names or countries are made in the text⁶⁹⁸. As it was assumed that policy-makers are not familiar with the normative power idea, there was a need to operationalize it. Hence, this role was examined by studying why the EU and member states experts saw the HRC as an important forum for the EU. Secondly, they had to describe what kinds of measures were appropriate for the EU in the HRC. Thirdly, they had to assess EU influence and its basis at the HRC. Finally, EU difference in comparison to other actors at the HRC was asked.

The EU Role as a Normative Power?

Many interviewees pointed out how the EU's motivation to work at the HRC derives from shared values and a respect for human rights⁶⁹⁹. The EU member states were perceived as willing to defend these values⁷⁰⁰. Most of the interviewees also mentioned that the EU agreement is generally easy to find in most HRC related issues because of this common value basis. The EU was generally noted to

⁶⁹⁴ European Commission 2015, Joint Communication to the European Parliament and the Council, *Action Plan on Human Rights and Democracy 2015-2019*, 28.4. 2015, p. 5.

⁶⁹⁵ These officials worked as human rights experts or ambassadors in their national delegations in Geneva. The interviewed EU experts worked at the EU delegation or in the EEAS in Brussels.

⁶⁹⁶ Aggestam 2006, 17-18.

⁶⁹⁷ Some of these countries also work more in collaboration with other like-minded EU states, rather than with all EU members. For example the Nordic group has high priority to drive women's rights at the UN and they work in close cooperation also with non-EU states like Norway and Island.

⁶⁹⁸ For a list of participated EU member states experts, see appendix 1.

⁶⁹⁹ EU interviews 2, 3, 4, 7, 10, 11, 12, 17, 21.

⁷⁰⁰ EU interviews 1, 4, 13, 14, 20.

have “a mind for compromises”⁷⁰¹. Secondly, the EU’s defence of values was seen as rather reliable. One interviewee mentioned how “the EU’s strong commitment to human rights values can always be taken for granted”⁷⁰². According to another interviewee: “for the EU there are no excuses or emergencies that could make human rights only of secondary importance”⁷⁰³. Thirdly, human rights were considered to occupy a special role among the EU’s values. According to one interviewee: “human rights form the strongest EU policy priority”⁷⁰⁴. Another interviewee said that: “human rights are the best example of EU values. They are very dear and specific to EU states”⁷⁰⁵. It was reminded that EU cooperation in human rights issues is supported by legal agreement at the level of treaties⁷⁰⁶ with the aim of making the EU more visible and efficient actor also at the UN. Hence, the EU/EUMS experts supported the view that the EU has a shared *normative basis* for action in human rights.

Most of the interviewees mentioned that the Human Rights Council is the most important global forum for human rights discussion; this was also seen by many as the main reason for the EU to be involved and active⁷⁰⁷. One interviewee said that: “in this arena we are talking about world visions. In the HRC it is about how we make these values count, so it is actually a very natural aspect of EU action”⁷⁰⁸. The EU’s status as a representative of universal rights in the world was mentioned in many interviews⁷⁰⁹. However, it was also recognized by some that the EU’s main objective, the defence of the universality of human rights, is nowadays a highly contested issue⁷¹⁰. This made the EU role even more important in the eyes of EU experts. Many interviewees, for example, thought that the EU shares a common task to act as a “force for good” in the Council by preventing the worst from happening⁷¹¹. In this task the EU was mentioned to oppose initiatives that are harmful for human rights, and which would “make the situation in the world even worse”⁷¹². Interestingly, it was also mentioned that the EU is not necessarily only working to fulfil its own interests. According to one interviewee: “for us the main thing is not that the EU is the leading actor, but that the human rights agenda is progressing”⁷¹³. Hence, the EU was generally considered to have a special role in invoking and defending international norms and standards at the HRC. The EU’s objective is to remind other states of the common obligations, and to defend those conventions and declarations that were made in the past, and which must be obeyed⁷¹⁴. In this sense, the EU is also perceived to fight against those states that aim to undermine the importance of common treaties. This self-image shows how EU participants share the view that the EU has *normative intentions or objectives* in the HRC context.

As chapter two noted, the EU’s normative power role is closely associated with *normative behaviour*, which was related to the use of non-coercive measures in human rights promotion. The interviewees

⁷⁰¹ EU interviews 2, 3, 7, 8, 9, 10, 12, 16, 21.

⁷⁰² EU interview 12.

⁷⁰³ EU interview 2.

⁷⁰⁴ EU interview 17.

⁷⁰⁵ EU interview 11.

⁷⁰⁶ EU interview 1, 6, 8, 17.

⁷⁰⁷ EU interviews 2, 8, 17, 21, 23.

⁷⁰⁸ EU interview 20.

⁷⁰⁹ EU interviews 2, 8, 11, 12, 15.

⁷¹⁰ EU interviews 1, 2, 4.

⁷¹¹ EU interviews 2, 9, 10, 13, 15, 16, 20.

⁷¹² EU interviews 14, 15.

⁷¹³ EU interview 17.

⁷¹⁴ EU interviews 2, 8, 10, 16.

noted that harder measures are not even possible at the HRC and these were seen as more related to the work of the UN Security Council. Thus, already the context excludes more coercive behaviour.⁷¹⁵ As one interviewee mentioned, “at the HRC the EU needs to be persuasive first, as the Geneva environment is meant only for dialogue and exchange of ideas”⁷¹⁶. According to another, “the HRC can only trigger the attention of countries and offer recommendations, but it is not in its mandate to coerce or use sanctions”⁷¹⁷. From the EU perspective, the use of coercive measures was not considered beneficial either, as these would threaten important dialogues with partners. Coercive action was considered to “make the EU policy totally different”⁷¹⁸. The EU was also considered as a normative power in the sense that it is the biggest donor to developing countries. In this respect it was mentioned that: “the EU does not want to say that we cut the aid if you do not do this or that”.⁷¹⁹ According to another interviewee “the EU is very polite and gentle towards others; it lets those countries that receive 90% of its aid criticize it”⁷²⁰. One interviewee said that the EU does not use economic power or conditionality because of its ideology to further these issues for their own sake⁷²¹. In general, the EU and member states human rights experts perceived the EU as a non-coercive actor⁷²². However, many interviewees also noticed that the EU has huge economic resources that could be more effectively used in the promotion of human rights. It was acknowledged that the EU could become a harder power in the future if the political focus turned to be more concerned about the implementation of human rights demands⁷²³. According to one interviewee, the HRC could be one possible forum where different issues could become linked as the EU aims to be more efficient⁷²⁴. The EU’s perceived soft approach was not necessarily considered to be detrimental for its influence. Even if the EU statements represent only recommendations, they were seen to send a strong message to the world. Through active EU participation, for example to Special Sessions and Special Rapporteurs hearings, it was considered to be possible to influence diverse situations.⁷²⁵

However, some interviewees also recognized that other actors might not perceive the EU as a soft or normative power. It was, for example, mentioned that the EU’s suspension of treaties and use of sanctions are criticized by others⁷²⁶. Opinions about the appropriateness of using sanctions also divided EU opinions. According to one interviewee: “the sanction policy is not ethical and can be considered coercive. That is why the EU should use it only as the last bullet after all diplomatic measures have been tried”⁷²⁷. The use of economic sanctions was also seen as difficult because it is almost impossible to judge whether these really work in particular cases. That is why, according to one interviewee, the EU should prefer targeted sanctions and offer support for NGOs.⁷²⁸ However, it was also mentioned how sanctions worked well in the case of Myanmar, and how this example could

⁷¹⁵ EU interviews 7, 8, 9, 10.

⁷¹⁶ EU interview 8.

⁷¹⁷ EU interview 7.

⁷¹⁸ EU interview 10.

⁷¹⁹ EU interview 6.

⁷²⁰ EU interview 11.

⁷²¹ EU interview 15.

⁷²² EU interviews 4, 6, 7, 10, 13, 14, 15.

⁷²³ EU interviews 2, 5, 6, 13, 15.

⁷²⁴ EU interview 8.

⁷²⁵ EU interviews 2, 9, 23.

⁷²⁶ EU interviews 7, 12, 17.

⁷²⁷ EU interview 7.

⁷²⁸ EU interview 8.

be used to legitimate more sanctions in the future⁷²⁹. A more strategic approach to human rights and focus on changes and effectiveness on the ground were seen as the main reasons possibly leading to the adoption of harder measures⁷³⁰. The efficiency of EU action in multipolar constellations caused some concerns among the interviewees. As one interviewee said: “this is a more philosophical question about how much you can in the end really achieve at the HRC”⁷³¹. Many EU practitioners thought that the EU’s internal improvements do not necessarily mean improved efficiency. Interestingly, according to one interviewee “it seems that we are efficient enough and we need no extra instruments”⁷³². These views would reflect the fact that the EU accepts some level of inefficiency in international organizations such as the HRC.

EU Influence - Leadership through Example?

The second aspect of normative power role is related to the EU’s possibility to influence others and achieve outcomes. The EU interviewees mainly perceived the EU as an active and influential actor at the HRC, as the EU delivers opinions and positions in all HRC debates and issues⁷³³. One interviewee mentioned that EU influence is not only related to the amount of initiatives or mandates founded, but also to how successful the EU has been in maintaining different mandates⁷³⁴. Secondly, the EU was seen as an active organizer of various side events, panel debates, and informal meetings for different parties. In these events, the EU was seen as able to convince others and evaluate their reactions before formal resolution negotiations⁷³⁵. In this respect, the EU was seen as able to *shape the discourse* at the HRC. According to one interviewee, EU opinions clearly carry significance, as these opinions are reflected, for example, in the UN Special rapporteurs’ aims.⁷³⁶ These different examples were also considered to demonstrate that the EU is more influential than its (minority) position at the Council would suggest⁷³⁷. As one interviewee said: “I think the EU is achieving much more than would belong to it in the proportion of votes”⁷³⁸. Generally, the EU was considered to be stronger because of its size and high level of cooperation between its member states⁷³⁹.

Whether this influence is reflected in the EU’s possible leadership at the HRC clearly divided opinions. There were also different interpretations of what it means to lead. Some interviewees saw the EU as a dominant player in the Council because it manages to speak out in every occasion and it succeeds in getting its initiatives accepted⁷⁴⁰. The EU’s leadership in country specific resolutions was underlined by many interviewees⁷⁴¹. It was, for example, mentioned that: “only the US and the EU

⁷²⁹ EU interviews 2, 5.

⁷³⁰ EU interviews 2, 3, 5, 6, 17.

⁷³¹ EU interview 17.

⁷³² EU interview 11.

⁷³³ EU interviews 2, 3, 5, 6, 8, 9, 11, 13, 14.

⁷³⁴ EU interview 9.

⁷³⁵ EU interviews 18, 23.

⁷³⁶ It was also noticed that there clearly is correlation for example between EU questions and remarks and Special rapporteurs’ aims and goals (EU interview 23).

⁷³⁷ EU interviews 3, 4, 11, 20.

⁷³⁸ EU interview 3.

⁷³⁹ However, this does not necessarily refer to presenting common EU positions. Whether these common positions are able to improve EU actorness at the HRC divided opinions.

⁷⁴⁰ EU interviews 4, 8, 14.

⁷⁴¹ EU interviews 2, 3, 5, 7, 11, 16, 23.

are strong enough to run country resolutions and in this sense show leadership”⁷⁴². EU leadership was also contested. In this respect one interviewee noted that: “the EU is not a leader in the sense that it would have followers”⁷⁴³. The EU was also considered to be able to lead only those issues, where its interests are high⁷⁴⁴. Despite diverging opinions concerning its possible leadership role, many EU practitioners thought that the EU’s influence at the HRC has improved after the difficult beginning. For example, one interviewee mentioned how “the EU is not a leader, but the trend is going up”⁷⁴⁵. Despite the positive trend, many interviewees thought that if resources are considered, the EU could and should be much more influential at the Council⁷⁴⁶. It was also mentioned that the EU does not need to lead in each and every issue⁷⁴⁷. According to one interviewee “as the EU is often in the front line in human rights, its strong positions do not always help in changing others’ opinions”⁷⁴⁸. Here the positions of individual EU member states were also seen to differ. According to one interviewee the principled and aggressive positions of the Nordic countries are “too much for the world”⁷⁴⁹. It was noted how some issues, such as the rights of sexual minorities, are not strongly supported by others at the HRC. In these cases the EU should be more sensitive and not make itself unpopular.⁷⁵⁰ As one interviewee said “silence does not mean giving up”⁷⁵¹. Many interviewees noted that the EU must find a balance between “megaphone” diplomacy and finding the most appropriate ways to tackle difficult cases.⁷⁵²

The possible EU leadership was also seen to be restricted by many HRC “hard-liners”⁷⁵³. According to one interviewee “we are seen as champions, so we are challenged because of that, not because of issues. Whatever we pose, other countries resist it”⁷⁵⁴. The EU role remains rather limited in those questions where countries from the South are opposing its positions. The colonial past of some EU member states was seen to decrease the value of its example in the eyes of others⁷⁵⁵. The EU’s major interest to drive political and civil rights was noticed in many interviews. In these issues, the EU member states were assumed to enjoy respect from others, mainly because of the highly developed human rights institutions and practices⁷⁵⁶. However, at the same time, this example was considered to be problematic as “other countries do not see us as a shining example of how things should look, just the contrary, they don’t want to get our level of rights and freedoms”⁷⁵⁷. One interviewee also noted that: “other countries want to have their own values. They do not want the EU to tell them what they should like”⁷⁵⁸. Several examples were given where the EU interpretation of rights is in conflict

⁷⁴² EU interview 11.

⁷⁴³ EU interview 10.

⁷⁴⁴ EU interviews 5, 7, 13.

⁷⁴⁵ EU interview 6.

⁷⁴⁶ EU interviews 2, 6, 7, 9, 11, 15, 16, 20.

⁷⁴⁷ EU interviews 4, 5, 13.

⁷⁴⁸ EU interview 14.

⁷⁴⁹ EU interview 6. This was especially the case with women’s rights.

⁷⁵⁰ EU interviews 5, 6, 14, 23.

⁷⁵¹ EU interview 14.

⁷⁵² EU interviews 14, 18, 19, 23.

⁷⁵³ These hard-liners, including for example Cuba, Egypt, Pakistan, South Africa and Russia, were mentioned in many interviews.

⁷⁵⁴ EU interview 23.

⁷⁵⁵ EU interviews 2, 5, 13.

⁷⁵⁶ EU interviews 2, 4.

⁷⁵⁷ EU interview 3.

⁷⁵⁸ EU interview 2.

with some others' views⁷⁵⁹. In this respect, it was noted that: "the EU should take initiatives that are more friendly and constructive for other countries, particularly to the South"⁷⁶⁰. Here the EU's lesser focus on economic and social rights was seen to be the main problem. As one interviewee mentioned: "We are seen as somebody from the West, somebody rich, who is not that ready to give what is requested. We are not seen as very receptive to the grievances of developing countries".⁷⁶¹ The main reason mentioned in several interviews is the EU inability to reach an agreement on their approach to economic and social rights. According to a few interviewees, a more proactive attitude in this area could show that the EU cares about these rights⁷⁶².

The EU's possible leadership was also considered to be related to its coherence and credibility at the HRC. This coherence was associated with the unity of EU member states, which was seen as an important political aim⁷⁶³. It was also noted how some external actors aim to cause divisions between EU member states and weaken its collective power⁷⁶⁴. However, also coherence between the internal and external human rights policy was seen to be a highly important issue, as it directly influences EU credibility at the HRC⁷⁶⁵. According to one interviewee "we are very well aware of the credibility gaps and...several EU actions address the lack of coherence. We have tried to be more sober in our statements, and not so self-congratulating"⁷⁶⁶. It was also generally thought that the EU way to deal with criticism is very good. For example, according to one interviewee "the EU takes seriously NGO reports and tries to make improvements"⁷⁶⁷. It was also mentioned how EU Special Representative Stavros Lambrinidis has taken up the EU's internal human rights problems in his speeches, and also underlines that the EU is not a perfect actor⁷⁶⁸. The EU's internal human rights problems were not considered to decrease its image seriously at the HRC. According to one interviewee: "the EU problems are usually pointed at by those actors who have far more problematic situations, and only because the EU has criticized them. That is why this criticism cannot be considered as a real concern for the EU situation"⁷⁶⁹. The EU incoherencies in dealing with third states' human rights situations were considered to be part of political reality. According to one interviewee, "there are some countries where you can have impact and outcomes. With some other countries you have to be realistic, as there is not much we can do"⁷⁷⁰. Another interviewee mentioned how "we are selective and do not necessarily point the worst ones. We should be fair about why we pick some countries and not others. However, this is based on certain realism, as there are actors we cannot oppose"⁷⁷¹. Hence, full coherence was not even considered to be possible in each and every case.

⁷⁵⁹ For example, Russian initiatives on traditional values, ASEAN human rights declaration and family concepts, and the OIC interpretation of freedom of religion and belief.

⁷⁶⁰ EU interview 18.

⁷⁶¹ EU interview 3.

⁷⁶² EU interviews 7, 20

⁷⁶³ EU interviews 2, 6, 10, 13, 21, 23. However, several interviewees also mentioned how this unity does not necessarily mean effective or progressive action at the HRC.

⁷⁶⁴ EU interviews 11, 21.

⁷⁶⁵ EU interviews 1, 2, 6, 9, 17, 18. It was also mentioned how this topic has been discussed at the COHOM and is particularly important and visible priority in the EU's Action plans on human rights (2012 and 2015).

⁷⁶⁶ EU interview 17.

⁷⁶⁷ EU interview 2.

⁷⁶⁸ EU interviews 2, 8, 11, 17, 18.

⁷⁶⁹ EU interview 6.

⁷⁷⁰ EU interview 12.

⁷⁷¹ EU interview 15.

EU Difference

An important dimension of normative power role is the assumed EU difference in comparison to other actors. That is why the EU practitioners were also asked to compare the EU's role at the HRC to other actors' roles. Generally the EU's own multilateral basis was seen to differentiate it from other actors. As one interviewee said "the EU is an exceptional actor because it is supranational"⁷⁷². Many interviewees mentioned how the EU is able to contribute to all the HRC debates because it consists of several states, and it will be present all the time⁷⁷³. Secondly, some interviewees suggested that it is the firm commitment to human rights values that differentiates the EU from other actors⁷⁷⁴. It was, for example, mentioned that "the fact that human rights must be taken into account in all EU work is uniquely European. Other actors do not have this kind of obligation".⁷⁷⁵ Some interviewees also said that other actors know that they can count on the EU position, even if its internal processes take time.⁷⁷⁶ Several interviewees pointed out that, for example, China and India have not shown much interest of being active at the HRC⁷⁷⁷. The EU's possible difference was also related to its comprehensive approach to human rights. According to one interviewee, the EU is "engaging broadly on different human rights issues, not just pointing at specific countries"⁷⁷⁸. The EU was also mentioned to be "always one step further from others" as it prepares its positions well in advance⁷⁷⁹. According to one interviewee, the EU role is in "providing constructive positions, when others are more radical"⁷⁸⁰. Such cooperative approach was seen to have both positive and negative consequences for EU objectives.

Most EU interviewees noted some differences between the roles of the EU and the US at the HRC. Since its membership (2009), the US was considered as able to contribute a lot to the HRC work⁷⁸¹. As the EU and the US often agree and share positions, the US presence was also considered to help the EU to work in the Council.⁷⁸² One interviewee mentioned how "the situation was like a nightmare for the EU before the US became a member of the HRC"⁷⁸³. Hence, the special role of the US as an important EU ally was underlined in many interviews. At the same time, the EU was seen to carry a mediator role in the Council because the US positions are so strong and inflexible⁷⁸⁴. According to one interviewee "the EU aims to be more responsive to others' views and cares about the impacts of its policies"⁷⁸⁵. Another interviewee said that: "the US does not apologise"⁷⁸⁶. This led some to conclude that the US is not as engaged in the work of the Council⁷⁸⁷. In general, the EU and the US

⁷⁷² EU interview 6.

⁷⁷³ EU interviews 3, 4, 5, 7, 8, 12, 14, 20, 23.

⁷⁷⁴ EU interviews 4, 7, 13.

⁷⁷⁵ EU interview 7.

⁷⁷⁶ EU interviews 2, 8, 12, 18.

⁷⁷⁷ EU interviews 2, 3, 12, 14, 15, 21.

⁷⁷⁸ EU interview 12.

⁷⁷⁹ EU interviews 4, 7.

⁷⁸⁰ EU interview 21.

⁷⁸¹ EU interviews 1, 11, 12, 13, 17.

⁷⁸² EU interviews 2, 5, 6, 8, 13, 19.

⁷⁸³ EU interview 2.

⁷⁸⁴ EU interviews 5, 13.

⁷⁸⁵ EU interview 5.

⁷⁸⁶ EU interview 20.

⁷⁸⁷ EU interviews 8, 20.

were considered to apply different approaches to human rights promotion. It was, for example, mentioned that the EU does not want to coerce others in a similar manner than the US⁷⁸⁸. Furthermore, when voting occurs on controversial issues, the EU usually abstains, while the US votes against⁷⁸⁹. When the importance of these two actors was compared, opinions were more divided. The US was often seen as more effective in lobbying and working with cross-regional partners⁷⁹⁰. According to one interviewee “I have great respect towards their diplomacy, I have to say we lack behind”⁷⁹¹. The US was seen to have clear views and very concrete aims at the HRC⁷⁹². It was also mentioned that the US is able to win difficult cases, as it does not care if it loses its position⁷⁹³. However, it was also mentioned that the US relates other issues to HRC work, which explains its efficiency⁷⁹⁴. In this respect, one interviewee underlined how the EU has better relations to many countries⁷⁹⁵. Another interviewee thought that the EU positions should be clearly distinct from the US positions, as there are relevant differences⁷⁹⁶. Even if the US was considered to be a huge player at the HRC, some EU diplomats still perceived it as less influential than the EU⁷⁹⁷.

5.4 Chapter Conclusions

This chapter studied the EU’s own official and unofficial role perceptions at the HRC through different EU documents and participant interviews. The historical part demonstrated the EU’s role claims in the founding of the HRC, during the first years of its operation, and in the HRC review 2010-2011. After 2012, the EU’s self-perception shows considerable path dependence rather than change. Through the EU documents, the main features of this self-image were captured: the EU as a defender of universal values, the EU as a contributor and supporter of the UN, and the EU as a partner for different third parties. Secondly, the more unofficial side of the EU’s self-image was studied with the help of interviews with EU and member states human rights experts. According to these EU participants, the EU works as a “force for good” at the HRC by fighting against those actors who aim to undermine the respect for universal human rights. The EU was, for example, seen as a representative of universal principles in the world. The EU was mainly seen to work through soft measures, as it is not willing to coerce others. However, the possibility to use stronger measures in the future to achieve better efficiency were also noted. The EU’s self-image also underlined norm-diffusion by leading through example and model for other actors. According to the EU self-perceptions it is able to show an example by acting in the forefront of human rights through its highly developed institutions and mechanisms. Secondly, the EU example was also related to providing help and empowering others to take part in the Council’s work.

⁷⁸⁸ EU interviews 6, 10.

⁷⁸⁹ EU interviews 8, 13, 23.

⁷⁹⁰ EU interviews 3, 4, 5, 6, 11, 13, 23.

⁷⁹¹ EU interview 3.

⁷⁹² EU interviews 1, 4, 8, 11, 13, 20.

⁷⁹³ EU interviews 5, 16. Here freedom of expression negotiations were mentioned as an example case.

⁷⁹⁴ EU interviews 1, 3, 11. The US was seen as more efficient in linking development aid to its HRC objectives.

⁷⁹⁵ EU interview 16. Here also the pro-Israel positions of the US were mentioned to decrease its influence in the eyes of many states.

⁷⁹⁶ EU interview 7.

⁷⁹⁷ EU interviews 5, 14, 15, 16, 23.

However, even if the EU was perceived as an influential actor at the HRC, its capabilities to change others were seen limited. For example, the EU was not seen as a leader with many followers. The EU's possibility to lead was seen to be restricted, for example, by the topic, external environment and by many HRC hard-liners. One important aspect that was seen to decrease EU possibilities to influence others at the Council was the EU's incoherence. Interestingly, important differences were drawn between the EU and other powers, most notably the US. The EU and the US were seen as important allies, who may still differ in many respects. Such differences would be central for the EU's image as a normative power. As a conclusion, the unofficial EU self-image seemed to majorly support the official image expressed in EU documents. Despite the rather positive self-image of the EU at the HRC, interviewees also underlined realistic expectations of what really can be achieved at the HRC. The EU's developed human rights culture might not be particularly attractive to those countries with poorly developed human rights cultures⁷⁹⁸ or to more distant geographical areas with different norm interpretations and without possible EU membership promises⁷⁹⁹. Hence, the EU's abilities to shape the international human rights norms as a normative power were considered to be limited.

As a conclusion, the EU's self-perception at the HRC seems to be rather coherent and reflect different aspects of the normative power role. Even if the EU's role concept would confirm the normative power image at least in some respects, this role also needs recognition from other actors. As Bengtsson and Elgström note, not all attempts at normative power projection will necessarily succeed; not all actors that want to be normative powers are seen as such by others⁸⁰⁰. The next two chapters aim to go beyond this self-perception by looking at the actual EU role performance at the HRC (chapter 6). Furthermore, the alter side of the EU's role is studied in chapter 7 with the help of interviews among non-EU HRC participants. These aspects are able to bring important insights concerning the EU role at the HRC. These may also possibly shape the EU's self-perception in the future.

⁷⁹⁸ Forsberg 2011a, 1200.

⁷⁹⁹ Mattlin 2010.

⁸⁰⁰ Bengtsson & Elgström 2011, 115.

6 The EU Role Performance at the UN Human Rights Council

The concept of role performance refers to the policy behaviour of an actor in a particular context. Measurements of EU performance have become more prominent in EU studies, as scholars and politicians are increasingly interested in finding out how the EU has succeeded in different policy areas⁸⁰¹. Role performance is a key factor in *legitimizing* role claims, because the behaviour of an actor is assumed to reflect its role ambitions. However, role perceptions (ego and alter) do not necessarily correlate with role performance. This chapter studies EU performance at the HRC in light of its self-perception as a normative power. Despite high rhetoric and ambitions, the EU has had quite mixed performance records at different UN forums⁸⁰². The EU's performance also influences external perceptions and expectations. This chapter starts by discussing the concept of performance and its different elements. After that the EU's performance at the HRC is examined by looking at its relevance, effectiveness, resource viability, and efficiency. The chapter concludes by assessing the EU's performance from the perspective of its normative power self-image.

Before the EU's role performance can be evaluated, some clarifications are necessary. Performance assessments may have high political relevance, but at the same time it is difficult to make them. The EU's performance at the HRC is preconditioned by UN rules and practices, as section 4.2 noted. The EU is not a full member of the UN, and as a consequence, both the EU delegation and EU member states are active in various HRC forums depending on who is allowed to speak. This chapter concentrates on evaluating "collective EU agency and output" at the HRC. Hence, it includes both EU activities, and the activities of EU member states. Assessing such a combination is not without its problems. As Blavoukos and Bourantonis mention, the relationship between the EU and its member states is not always symbiotic and national contributions may sometimes function potentially in an antagonistic way to those of the EU⁸⁰³. The representational questions have created tensions and the EU is not self-evidently able to represent and negotiate on behalf of the member states. This observation is relevant in the case of the Human Rights Council, where despite a high level of EU unity, member states also use their individual voices to promote national priorities and objectives. Even if cooperation is working well, there are some uncertainties in this relationship. Special attention is paid to those cases where the EU has not been able to agree on promoting a unified message.

6.1 How to Evaluate EU Performance?

The good performance of an organization is growingly considered as a path to its legitimacy, especially in the sense that the organization produces favourable or optimal outcomes in the eyes of its main stakeholders. So far, there is little consensus as to what constitutes a valid set of criteria for measuring performance. The EU actions are often one-sidedly considered to be either successes or

⁸⁰¹ Previous studies have mainly assessed EU performance within single issue areas and across a wide spectrum of different organizations, see Jørgensen & Laatikainen (eds.) 2013, Oberthür et al. (eds.) 2013.

⁸⁰² As the UN consists of several diverse bodies, it is impossible to generalize organ- and issue-specific findings, see Blavoukos & Bourantonis 2011c, 732.

⁸⁰³ Blavoukos & Bourantonis 2011a, 4.

failures in particular institutional contexts or policy areas⁸⁰⁴. However, in politics the concept of success is slippery and multidimensional. Most often it refers to goal attainment, but the analysis should also include, for example, possible costs to the policy-maker and for the targets of these policies. Secondly, not all goals have equal value.⁸⁰⁵ On some occasions it can be rather easy to be successful, while in others even the achievement of minor goals might mean great success. Importantly, performance evaluations are highly dependent on who makes them. Actors themselves are keen to represent their successes and generally promote more positive self-evaluations. All this suggests that there needs to be more explicit criteria for evaluating EU performance at the HRC.

When EU performance in international organizations (IOs) is considered, Jørgensen underlines the difference between questions concerning EU *being* and *doing*⁸⁰⁶. The EU is increasingly present and an active player in many IOs, even if it has been difficult for the EU to convince third parties to give support for the EU's enhanced status or participation rights. The EU's participation is also challenged internally as member states are not always willing to give their powers to the EU. From the perspective of performance, it is important to evaluate EU being, because one of the major aims of the Lisbon treaty was to increase EU visibility and presence in global forums. Hence, a growing EU presence in international organizations and negotiations can already be considered a sign of good performance. Being also refers to a less instrumental attitude towards international institutions, and that is why it is a relevant aspect of EU role performance as a normative power. The EU would not only support IOs because of its own interests, but it would notice the internal value of multilateral working methods. Secondly, the normative power role underlines being *as a passive form of norm diffusion*; the mere physical presence of the EU in third states or in different institutions may cause norm changes in others⁸⁰⁷. Hence, analysing EU being at the HRC through the concept of relevance is important for the purposes of this thesis.

Another important distinction can be made between evaluating diplomatic *processes* and following *outcomes*. Performance evaluations often point predominantly at goal achievement, which can also prove the effectiveness of an actor. However, this may lead to distorted conclusions; goal achievement may be an inappropriate measure, for example, when the concrete goals are not known or consist of multiple different aims. According to Gutner and Thompson, the more process-related aspects of performance, such as the effort, efficiency, and skill by which goals are pursued, should be better taken into account in the analysis of performance⁸⁰⁸. In multilateral negotiations the direct outcomes are seldom the most interesting achievements, as there may be other important aims during the process. It may also be difficult to determine what the more precise achievements of particular negotiations are, or demonstrate causal links between specific actors and outcomes, as multilateral negotiations often end up with package deals. Even if goal achievement is related to successful processes, process performance does not always translate into outcome performance.⁸⁰⁹ Sometimes the actor may have too unrealistic objectives for the given framework. Negotiation processes and

⁸⁰⁴ One illustrative and even provocative example is FIIA report 2010/23 titled *Why the EU fails? Learning from past experiences to succeed better next time*.

⁸⁰⁵ Baldwin 2000, 172–174.

⁸⁰⁶ Jørgensen 2009, 4 and Jørgensen 2013, 88.

⁸⁰⁷ Manners 2006d, 76.

⁸⁰⁸ Gutner & Thompson 2013, 58.

⁸⁰⁹ Gutner & Thompson 2013, 62–63.

informal meetings can serve also other important functions, such as informing other actors, converging views or building bridges. In a similar sense, goals may also be too easy to achieve, and the actor may perform well even if its efforts are only moderate. Furthermore, short-term gains should not be exaggerated. As the normative power is assumed to work “like water on stone, not like napalm in the morning”⁸¹⁰ the focus should be on the longer-term effects of EU action. Quite easily the more distant objectives are excluded from the performance analysis⁸¹¹. From the normative power perspective, EU goals may also be related to assisting different institutions to work properly.

In the following, EU performance is studied by concentrating on four elements identified by Jørgensen, Oberthür and Shahin:

- 1) *relevance*: the ability of an organization to meet the needs and gain the support of its priority stakeholders in the past, present and future
- 2) *effectiveness*: the extent to which an organization is able to fulfil its goals
- 3) *financial or resource viability*: the ability of an organization to raise the funds, personnel etc. required to meet its functional requirements in the short, medium and long term
- 4) *efficiency*: a ratio reflecting a comparison of outputs accomplished to the costs incurred therefor.⁸¹²

This framework is beneficial as it enables the evaluation of both EU being and doing. If these four aspects are considered, it can be noticed that *effectiveness* is more concerned about outcomes, while the other three elements focus more precisely on the policy processes. First, relevance points to the recognition of the EU as an actor at the HRC. The EU must be first recognized to carry relevance before it can adopt more specific roles. Achieving relevance at the HRC is by no means self-evident in the case of the EU. This arena is primarily created for individual states. That is why this first focus on EU relevance is essential for this thesis. Secondly, EU effectiveness as goal achievement is important as it is often related to the EU’s output legitimacy. In other words, the EU may legitimize itself by producing good or beneficial outcomes. Thirdly, the EU ability to raise funds or personnel in relation to HRC functions is an important aspect of its performance and may also tell how serious the EU is with the HRC. Finally, the efficiency of the EU is something that the new EU approach to human rights is underlining; the EU aspires to become a more efficient actor, especially in multilateral fora. In this respect efficiency at the HRC has major importance for the EU’s aims.

6.2 The Relevance of the EU

A precondition for EU performance is its relevance for different stakeholders; the EU needs to be recognized as a relevant performing organization. If the EU is not seen as a relevant participant in the HRC context, it is not even possible to talk about *EU performance*. EU relevance is related to its unity, representation and delegation, as well as to coordination of EU positions. As these aspects are important EU objectives, the role of relevance needs to be raised in performance evaluations alongside considerations of its effectiveness⁸¹³. As the EU is variably noticed in different IOs, its relevance can by no means be taken for granted. Whether the EU is considered relevant by its main

⁸¹⁰ Manners 2009c.

⁸¹¹ Jørgensen 2013, 92.

⁸¹² Jørgensen et al 2011, 603.

⁸¹³ Jørgensen et al. 2011, 601.

stakeholders, the EU member states, and its external partners needs to be studied. Division can be made between *internal* and *external EU relevance*. If the EU aims to be relevant for its member states, the coordinated EU position must have some added value that motivates member states to work collectively. As there is high level of agreement on human rights issues, member states have agreed to work together, and EU cooperation has a legal basis. However, behind the unified façade, the relevance of the EU dimension varies, as well as perceptions of how legitimate actors EU institutions and leaders are. Furthermore, the EU also needs recognition from several external actors, such as states and organizations working with it. This section evaluates the internal and external relevance of the EU with the help of participant interviews⁸¹⁴. Evaluations of internal EU relevance are based on 23 interviews conducted among EU member states and EU delegation members, which were described in more detail in chapter five. External relevance of the EU is outlined through 40 interviews with several non-EU interviewees, such as other HRC member states delegates, representatives of human rights organizations, and persons working at the UN secretariat (HRC relevant sections)⁸¹⁵. The focus is on three main aspects of relevance; overall relevance of the EU dimension at the HRC (EU presence), the more particular relevance of the EU delegation vis-à-vis member states, and on the substantial relevance of the EU message.

Internal relevance

The EU member states are the most evident stakeholders of common EU positions. Apart from EU member states, there are several other possible internal parties⁸¹⁶ for whom the EU dimension has relevance. However, the focus is on EU member states (governments) and EU representatives' perceptions of EU relevance. According to previous studies, the overall relevance of the EU for its member states in international organizations has increased over the past two decades⁸¹⁷. EU unity is a political objective and this unity is easier to achieve in human rights issues, where member states are highly united⁸¹⁸. The collective EU action seldom contests important national priorities, but adds to the work of EUMS⁸¹⁹. However, it is also likely that the relevance of the EU dimension varies for its member states in the UN context. For example, France and the UK already have a strong status at the UN as permanent members of the Security Council, and this fact is reflected in their more reserved attitudes towards collective EU action⁸²⁰. Some EU countries have close relations to their former colonies, which affect their willingness and abilities to influence outside the EU framework. Thirdly, for some EU members, the promotion of human rights forms an important foreign policy goal, and they may have strong domestic pressures to work individually in particular issues. Some EU states without any specific ambitions at the HRC may be quite happy going with the "EU flow"⁸²¹. In general, much depends on the issues at stake, and how EU coordination works.

⁸¹⁴ For lists of interviews, see appendices 1 and 2.

⁸¹⁵ The non-EU interviewees are better introduced in sections 7.2 and 7.3.

⁸¹⁶ For example, different interest groups, civil society organizations and parties who are not represented in government.

⁸¹⁷ Jørgensen et al 2011, 599.

⁸¹⁸ Outlined in EU human rights strategy 2012.

⁸¹⁹ In the SC, the relevance of the EU for its member states is much more limited, because important national interests are in question Blavoukos & Bourantonis 2011c.

⁸²⁰ The more individual approach of the UK at the HRC was mentioned in many EU interviews (3, 6, 8, 11, 13, 14, 21). On the other hand, the more general critical British attitude towards the EU also has relevance here.

⁸²¹ Some interviewees said that particular EUMS have taken more passive role and lean too much on the work of EU delegation (EU interviews 3, 15).

The first important question considering internal relevance is how internal stakeholders perceive EU cooperation; do they see the EU dimension as necessary and able to answer to their needs and objectives? Generally, member states perceive the UN as a forum for both EU and national diplomacy. However, the EU dimension is considered relevant by all the interviewees. This is because the influence of the EU at the HRC is seen to depend on active EU cooperation. Collectively, the EU is seen to have a huge amount of expertise, relations and resources⁸²², which makes the EU an important actor. Also, formal and informal information exchanges and burden sharing are mentioned to be beneficial⁸²³. After the Lisbon treaty, EU coordination has been strengthened and streamlined in Geneva, and member states seem to accept the EU's working culture and the rule of compromises⁸²⁴. However, it was also mentioned how EU unity is at times almost an obsession for some parties. According to some interviewees, it would not be too serious to have diverging EU opinions, as other actors also deliver less unified messages at the HRC.⁸²⁵ The need for EU unity could be questioned if common positions are objected to by only one EU member, or if they represent mere watered down positions towards specific human rights questions⁸²⁶. The relevance of the EU dimension could also decrease if it constrains the promotion of stronger EUMS human rights positions⁸²⁷. Despite unity, the EUMS also aspire to maintain their national profiles and objectives at the HRC. Hence, EU relevance also depends on how well the EU succeeds in supporting and uploading member states' priorities into its collective positions. One obvious problem in this respect is that member states are not considered to be equal in EU coordination by some member states. Big member states were mentioned in many interviews as predominant players with better resources and abilities to make initiatives and burden share. This makes them privileged inside the EU cooperation and in relation to the EU-delegation.⁸²⁸ Their status also increases because some external actors prefer to approach the EU through the ambassadors of big EU member states⁸²⁹. It was also noted how the position of EUMS is dependent on its HRC priority list, resources, and own ambition to work on specific issues⁸³⁰. One interviewee mentioned how the division of power between the EU-delegation and national interest is a practical issue where pragmatism wins⁸³¹. The balance between member states was also considered to be guaranteed because common positions must be acceptable for all EUMS and even smaller members are able to bloc them⁸³².

The second important issue when considering EU relevance is how member states perceive the role and relevance of the new EU-delegation in Geneva. The status and work of the EU delegation clearly divided opinions among the interviewees. The smaller member states found its work highly beneficial and it was applauded for following all issues, preparing statements, and providing help for missions with limited capacities.⁸³³ The EU delegation was also considered to be the possible driving force

⁸²² EU interviews 3, 4, 5, 7, 8, 10, 11, 20, 21.

⁸²³ EU interviews 5, 6, 9, 12, 14, 20, 22, 23.

⁸²⁴ EU interviews 3, 4, 7, 9, 13, 18.

⁸²⁵ EU interviews 12, 15, 19.

⁸²⁶ EU interviews 3, 6, 13, 15, 17, 19.

⁸²⁷ EU interviews 1, 2, 3, 10.

⁸²⁸ EU interviews 3, 5, 10, 11, 13, 16, 20.

⁸²⁹ EU interviews 3, 12.

⁸³⁰ EU interviews 4, 8, 11, 13, 20.

⁸³¹ EU interview 20.

⁸³² EU interviews 3, 4, 5, 8.

⁸³³ EU interviews 5, 7, 9, 12, 20, 21.

behind EU action in Geneva, as it can more easily take the initiative on sensitive issues, which MS are reluctant to drive forward⁸³⁴. The permanent presidency of the EU delegation was also considered to create stability and institutional memory, which was seen as a clear advantage when compared with the former system⁸³⁵. However, some representatives thought that the delegation brings less to the HRC than individual member states. According to these views, the EU would be more influential if it would work mainly through member states⁸³⁶. Much was considered to depend on the personal capacities of EU diplomats and their ability to earn their position⁸³⁷. The crucial question was how the EEAS personnel conceived their role in Geneva; do they assist member states or do they serve an independent Brussels agenda⁸³⁸? It was also mentioned that the EU delegation is a rather new actor in the Geneva context. This means that the EU personnel do not necessarily have as much experience of multilateral human rights settings.⁸³⁹ Despite criticism, one interviewee mentioned how difficult a position the EU delegation has; member states, Brussels and external actors want to criticize them⁸⁴⁰. This is related to contradictory EEAS mandates; it is expected to coordinate, provide leadership, and develop new ideas and policy entrepreneurship⁸⁴¹. The relevance of the EU-delegation, but also the relevance of other EU actors who may visit Geneva⁸⁴², for individual member states seems to depend on their more general attitudes; how well the EU agenda fits their national objectives, how important they find human rights questions in foreign policy, as well as how good resources they have in Geneva.

Thirdly, the substantial relevance of the EU message was considered to be high among EU actors. The EU was perceived as a relevant defender of the universality of human rights and different human rights principles against those actors who aim to undermine them⁸⁴³. EU action was seen as important, for example, in balancing attempts to promote so called traditional values and related narrow family concepts⁸⁴⁴. The substantial relevance of the EU message was seen to be high especially in the case of political and civil rights, and in specific country cases⁸⁴⁵. However, several interviewees acknowledged that the EU message does not necessarily carry relevance for the majority in the Council. According to one interviewee, the EU is always seen as part of the rich West and it is not seen to care about the grievances of the developing world⁸⁴⁶. According to some interviewees, the EU message would be more relevant if it could better accommodate questions of economic, social and cultural rights, and rapidly take into account changes in the external environment⁸⁴⁷.

⁸³⁴ EU interviews 7, 8, 18, 21.

⁸³⁵ EU interviews 2, 4, 10, 11.

⁸³⁶ EU interviews 3, 12, 14, 15.

⁸³⁷ EU interviews 3, 4, 10, 11, 12, 13, 15, 16, 21.

⁸³⁸ EU interviews 3, 12, 16, 20.

⁸³⁹ EU interviews 11, 12, 15, 17, 22. It was also mentioned to be an important goal to learn the skills and methods of previous successful presidencies and adopt them to the working culture of the EU-delegation (EU interviews 17,18).

⁸⁴⁰ EU interview 12.

⁸⁴¹ Balfour & Raik 2013, 13.

⁸⁴² For example EU High Representative and EU Special Representative for Human Rights. Three interviewees criticized that human rights have not been a priority for the High Representative (EU interviews 3, 6, 15). On the contrary the role of the Special Representative was positively evaluated in some interviews (EU interviews 9, 11).

⁸⁴³ EU interviews 2, 4, 7, 10, 11, 13, 14, 15, 20, 21, 23.

⁸⁴⁴ EU interviews 2, 4, 7, 14.

⁸⁴⁵ Country cases mentioned were Myanmar, DRC and Syria. EU interviews 2, 5, 9, 11, 23.

⁸⁴⁶ EU interview 3.

⁸⁴⁷ EU interviews 3, 4, 6, 10, 12, 20.

External relevance

Studying the external relevance of the EU is also highly important. In the HRC there are different types of possible external stakeholders, and for some of them the EU might be more relevant for specific reasons, while others may not consider the EU as a relevant performing organization at all. It should be acknowledged that external stakeholders may look at EU relevance in different terms and ask different questions than EU member states⁸⁴⁸. The EU relevance for other states, human rights organizations, regional actors and the UN secretary is evaluated on the basis of 40 interviews conducted in Geneva⁸⁴⁹. Here the focus is on three different aspects of relevance. First, for external others EU relevance is closely related to its *presence*; is the EU generally considered a visible and active participant in HRC debates? Secondly, how is EU representation perceived externally? What is the role of EU-delegation vis-à-vis member states; does it merely reflect the accumulated views of (some of) its members? Relevance is also related to EU *authority* (or legal personality) to conduct negotiations and sign agreements with third parties. The last interesting aspect of relevance is associated with the relevance of the EU message; does the EU really have something to say at the HRC?

In general, external others recognize the EU as a relevant and visible actor at the HRC. It was mentioned how the EU is an active participant in all debates⁸⁵⁰. In the eyes of others, EU relevance is based on its collective voice and active cooperation. In the HRC there is an EU seat and nameplate, it is possible to study EU positions in advance, and they have alignment procedures for partners⁸⁵¹. The EU is also relevant because it forms a big bloc of countries, which third parties are willing to get on board⁸⁵². The EU's internal structure was also mentioned to be a clear advantage for the EU, as the amount of work in the HRC has steadily increased. One delegation is unable to deal with all issues, and the EU can share responsibilities and always be present through its members⁸⁵³. However, EU relevance was also questioned, because the EU lacks voting rights, and its members have only 7-9 votes in total⁸⁵⁴. It was also noted that the EU has authority to act only when member states agree; without internal agreement, there is no EU dimension⁸⁵⁵. UK, France and Germany were mentioned in many interviews as active EU leaders, mainly because of their Security Council membership, economic resources and special relations with many countries⁸⁵⁶. However, these countries were also seen as political players, whose human rights interests are often mixed with economic and political concerns⁸⁵⁷. Bigger EU countries were also seen to endanger the internal EU democracy by dominating the agenda⁸⁵⁸. The human rights policies of some EU countries, such as the Nordic

⁸⁴⁸ Jørgensen 2013, 94.

⁸⁴⁹ See appendix 2 for states and organizations interviewed for this thesis.

⁸⁵⁰ External interviews 10, 17, 18, 26, 31, 34, 35, 40.

⁸⁵¹ External interviews 27, 30.

⁸⁵² External interviews 4, 19, 37.

⁸⁵³ External interview 29.

⁸⁵⁴ External interviews 14, 15, 22, 25, 32. When compared with other blocs, such as the OIC (with 52 members), this amount is relatively small.

⁸⁵⁵ External interviews 10, 19, 28, 39.

⁸⁵⁶ External interviews 7, 9, 12, 13, 17, 20, 26, 35.

⁸⁵⁷ External interviews 7, 16, 21.

⁸⁵⁸ External interviews 28, 29.

countries, the Netherlands, Ireland and Austria were mentioned to be constructive and dialogical⁸⁵⁹. As a conclusion, both the EU and EUMS seem to have high external relevance in the HRC.

Most of the EU's others perceived the EU as a united actor in the HRC. The relevance of the *EU-delegation* and *individual EU member states* (also in the role of rotating EU presidencies) for external actors were studied. The relevance of the EU-delegation appeared to be issue-dependent, related to the question under work. Most of the interviewees worked with both and noticed the importance of taking into account both. However, for smaller states, former colonies and human rights organizations, individual member states were more relevant partners than the EU-delegation⁸⁶⁰. For some, it is still more natural to work through member states' ambassadors because of personal ties⁸⁶¹. External actors find it difficult to understand the EU's burden-sharing practices, and they are often confused about multiple EU actors and voices at the HRC⁸⁶². Some interviewees also mentioned how they seek contact with big EUMS ambassadors when they really want to influence the EU, or safeguard their important interests⁸⁶³. However, important EU partners⁸⁶⁴ were increasingly working with the EU-delegation rather than with individual members⁸⁶⁵. The increased role of the EU-delegation was noted by many interviewees, and this change was considered meaningful and positive⁸⁶⁶. Previous rotating EU presidencies had varied a lot in their capacities and visibility⁸⁶⁷. The EU delegation was seen to bring continuity and stability to EU representation⁸⁶⁸. It was also seen as a constructive and less coercive negotiation partner that listens to others⁸⁶⁹. The EU delegation can present clear positions and mediate between member state positions⁸⁷⁰. The external relevance of the EU-delegation is also high because it invites different partners⁸⁷¹ to cooperation meetings and informs about EU priorities⁸⁷². This suggests that the external relevance of the EU varies depending, for example, on specific issues, history and bilateral relations.

When the relevance of EU message is considered, opinions are diverse. Even if the EU was mainly considered influential because of its common voice, it was also noted that this view often presents the lowest common denominator between the member states⁸⁷³. The demands of EU unity may work against the cause of human rights, as EU statements might not have much to say. One interviewee

⁸⁵⁹ External interviews 3, 6, 9, 12, 16, 20, 28, 34. Sometimes I believe that interviewees did not really see Norway as a non-EU country, even if it drives strong and individual policy at the HRC.

⁸⁶⁰ External interviews 8, 10, 12, 13, 16, 19, 22, 24, 35, 39.

⁸⁶¹ External interview 13.

⁸⁶² External interviews 7, 9, 14, 17, 18, 21, 25, 36.

⁸⁶³ External interviews 24, 27.

⁸⁶⁴ The actor's importance is related here, for example, to status as a EU ally is some important issue, to regional relevance, EU candidacy/neighbourhood status or just to close or newly created relations.

⁸⁶⁵ External interviews 6, 9, 18, 27, 30.

⁸⁶⁶ External interviews 8, 15, 16, 20, 21, 23, 26, 27, 30, 38.

⁸⁶⁷ External interviews 7, 9, 12, 18, 21, 24, 26.

⁸⁶⁸ External interview 9.

⁸⁶⁹ External interviews 4, 38.

⁸⁷⁰ External interviews 6, 20, 25.

⁸⁷¹ Individual countries, strategic partners, neighbourhood countries, regional organizations, human rights organizations, external interviews 23, 28, 31, 32, 34, 39.

⁸⁷² Even if some civil society partners complained that these meetings merely consist of reading the priority lists of parties without any real discussion.

⁸⁷³ External interviews 7, 8, 14, 15, 16, 17, 20, 21, 24, 27, 28.

wondered why the EU even has to stand up if it really has nothing to say⁸⁷⁴. Many human rights organizations criticized the EU because of its uninspiring positions. This is also why outsiders did not understand the EU obsession with unity. In the eyes of others, acting through several individual voices could present a more successful strategy for the EU at the HRC⁸⁷⁵. United EU positions were also considered to make the EU a less flexible partner⁸⁷⁶. It was mentioned that EU positions are always well prepared, and the EU takes care of justifying its positions and policy consequences for others⁸⁷⁷. The EU message was seen to carry relevance as it strongly points to human rights violations⁸⁷⁸. Not surprisingly, the relevance of the EU message was more positively evaluated among those countries and organizations, which mainly share EU values, while EU opponents had far more negative views of it. A more detailed perception of the relevance of the EU message will be provided in chapter seven, which studies the external perceptions of the EU role at the HRC.

6.3 EU Effectiveness in the HRC

EU effectiveness deals with the EU's ability to achieve its outcomes at the HRC. There are various ways to approach actor effectiveness⁸⁷⁹. First of all, the EU's *internal effectiveness* refers to the EU's ability to stay united and deliver common EU positions. Internal effectiveness is closely related to internal relevance; when the EU member states find the EU dimension relevant, they are also likely to act in unity. Secondly, the *external effectiveness* of the EU, namely the EU's ability to reach its objectives and influence other HRC participants, is often seen as being related to its internal effectiveness. A third, and more general feature of effectiveness is the EU's ability to contribute to the *effectiveness of the HRC*. According to the EU's self-image, the EU is an important defender and contributor to the UN. The EU's focus on effective multilateralism also suggests that an important EU objective is to improve the working of international institutions. This section will evaluate these three aspects of EU effectiveness by using various measures suggested by the author.

The Internal Effectiveness of the EU

Important aspect of EU actor capability is the existence of commonly accepted goals and the ability to mobilize instruments to meet these goals. Already from the 1990s, EU member states have agreed to speak with one voice at the UN human rights fora, and nowadays EU coordination is a normal way to proceed. Hence, the EU is generally perceived to be an internally highly effective actor in this particular UN body. The *internal effectiveness* of the EU can be evaluated by looking at different indicators; first of all the amount of common EU statements and interventions delivered at the HRC demonstrates the EU presence. Secondly, common EU priorities at the HRC can be promoted through resolutions, driven by EU-delegation or by the rotating presidency. EU unity during the voting is the third possible way to evaluate internal effectiveness. These three indicators, as well as their use and relevance for evaluating EU performance, are studied separately.

⁸⁷⁴ External interview 27.

⁸⁷⁵ External interviews 5, 18, 21, 33, 37, 38, 40.

⁸⁷⁶ External interviews 5, 9, 14, 28, 36, 37.

⁸⁷⁷ External interview 37.

⁸⁷⁸ External interviews 30, 32.

⁸⁷⁹ Laatikainen and Smith have described four different aspects to effectiveness in EU-UN relations. My views closely follow their classification, see Laatikainen & Smith 2006, 9-10.

Table 3: EU statements and interventions during general sessions of the HRC (statements made on behalf of the EU by EU-delegation or by rotating presidency)

year/ session number	2006 /1-3	2007/ 4-6	2008 /7-9	2009/ 10-12	2010/ 13-15	2011/ 16-18	2012/ 19-21	2013/ 22-24	2014/ 25-27
EU statements/ interventions	55	70	96	80	74	73	80	81	91

Information collected from the HRC extranet and from the EU-delegation's homepage.

Table three shows the number of EU statements and interventions delivered at the HRC during its first 27 regular sessions. Even without making comparisons to other actors, this table demonstrates that the EU is a present and relevant player at the HRC, actively taking actively in its work. The EU output regarding common statements has also steadily increased, which can be explained by the increased number of issues and resolution discussed at the HRC. However, the overall “EU contribution”, also including statements made by the individual EU states, would look pretty different. One example can illustrate this point; during the 27th session of the HRC, EU member states delivered 215 oral statements individually⁸⁸⁰. Compared to 27 statements delivered on behalf of the EU in this particular session, the number is almost tenfold. It further supports the image of the EU as a visible and present voice at the HRC. This is because the EU states are committed to delivering “one message with many voices” and according to EU rules, the EU speaks first and only after that individual EUMS by adding their own comments if necessary. The message remains the same, irrespective who speaks, and all EU speakers further increase its relevance. Originally, the idea was to give the EU position certain leverage, but member states have not truly followed this practice. It has even been claimed that the one voice approach has caused some loss of EU influence.

What makes the evaluation of EU output even more challenging is the option to use the voices of individual EU member states to decrease the bloc mentality in the HRC. Hence, a decrease in the level of collective EU efforts would not necessarily mean decreasing output; it would just mean delivering it through different means. It is also very difficult to assess how much EU cooperation can actually be found behind EUMS activities. Even if the EU states most often support each other's resolutions, these are not always the result of collective diplomatic processes⁸⁸¹. What needs to be noted as well is that EU states may build external coalitions. For example, the Nordic countries have reactivated themselves in the Council by delivering common speeches. Here the cooperation includes EU states, but also non-EU parties (Norway & Iceland).⁸⁸² This is also the case in other speeches or resolutions promoted by EU states on behalf of larger group of states⁸⁸³. A few EU states can work together to build cross-regional alliances around some resolution. These examples raise interesting questions about how the EU output should be evaluated. If we define EU output strictly by referring

⁸⁸⁰ Here the collective EU statements and statements made on behalf of the EU are excluded. Speeches were counted from the HRC extranet archives.

⁸⁸¹ Smith K. 2010, 232.

⁸⁸² See for example 27th regular session, 21st meeting, Denmark speaks on behalf of Nordic countries.

⁸⁸³ See for example 27th regular session, 10th meeting, Germany speaks on behalf of Austria, Brazil, Germany, Liechtenstein, Mexico, Norway and Switzerland.

only to those occasions where cooperation includes all EU states but only EU states, these cases must be excluded. In a similar sense, statements without one or two EUMS would not count as EU outputs. This is despite the fact that the resulting resolutions would still clearly be a result of a collective diplomatic process, even if it, in the end, could not be delivered on behalf of the entire EU.

Table 4: Human Rights Council resolutions 2006-2014, EU/EUMS sponsored resolutions

Year/session	adopted resolutions	votings	EU resolutions	EUMS resolutions
2014/27 (September)	32	8	0	14
26 (June)	32	9	1	12
25 (March)	38	15	4	11
2013/24 (September)	35	7	0	22
23 (June)	26	7	1	7
22 (March)	34	15	3	9
2012/21 (September)	33	8	0	8
20 (June)	22	4	1	5
19 (March)	39	14	6	13
2011/18 (September)	28	7	0	8
17 (June)	25	8	0	8
16 (March)	36	13	5	8
2010/15 (September)	28	8	0	8
14 (June)	16	3	1	4
13 (March)	27	8	3	6
2009/12 (September)	28	5	-	-
11 (June)	12	3	1	5
10 (March)	33	13	1	12
2008/9 (September)	19		3	0
8 (June)	14		1	7
7 (March)	36		2	8
2007/6 (September)	37		2	15
5 (June)	2		0	1
4 (March)	10		2	1
2006/3 (September)	4		2	0
2 (June)	5		5	3
1 (March)	5		0	2

Collected from the HRC extranet archives and from the EU annual reports on human rights.

The EU member states also have the responsibility for carrying many resolutions, because of history, colonial ties, or because their interest to work on specific themes. Table four shows the number of EU and member states sponsored resolutions at the HRC. The EU member states have been sponsors in around a third of all HRC resolutions. However, the resolutions may have cross-regional sponsorship, which makes the evaluation of EU output challenging. The EU has sponsored fairly few resolutions collectively and EUMS resolutions are far more common. When compared with other regional and political groups, for example, the African group has been more active in this respect, sponsoring 14 resolutions in 2014 and 16 in 2013⁸⁸⁴. The EU has collectively sponsored resolutions on Belarus, North Korea, Myanmar and freedom of religion/belief (FoRB). The resolution on the rights of the child is traditionally sponsored together with Latin American countries.⁸⁸⁵

Hence, the collective EU resolutions deal with specific countries, even if previous studies have claimed that the EU avoids country cases because they may face intense opposition⁸⁸⁶. This may also explain why these resolutions are promoted collectively. The EU has also increasingly worked in cooperation with other HRC members. For example, the resolution on North Korea is sponsored together with Japan. Table 4 demonstrates how the number of adopted resolutions has increased; in 2007 the total amount of adopted resolution was 49, while in 2014 it was already 102. After 2011, it has become more common to table broad, cross-regional resolutions⁸⁸⁷, as these are more likely to succeed. The leadership of the resolutions has also been more diversified as new countries have shown increased interest towards HRC work. For example, Arab and African countries have taken leadership in many initiatives concerning countries in their own regions. Formerly country-specific resolutions were mainly initiated by the West, and principally rejected by the South⁸⁸⁸. Resolutions can be sponsored in varying ways. The main sponsorship is the most relevant as they submit resolutions and take responsibility for leading negotiations. Countries can also co-sponsor resolutions and the main sponsors aim to achieve as many co-sponsors as possible. However, the main sponsor can also block any attempts to redefine the resolution by collecting many supporters for the original draft. The third possibility is to work as an additional sponsor for a resolution, which means that the country can later on confirm its support for a particular resolution. The EU always aims to support or oppose resolutions consistently as a group.

Table four also demonstrates how many times the voting procedure has been used in the adoption of resolutions. The majority of HRC resolutions are accepted without voting, as the idea is to work in consensus. Unsuccessful initiatives are often withdrawn already before the voting if they do not receive enough support. Because of this, it is interesting to speculate why the HRC ends up voting in a specific case. In general, it seems that the composition of the Council influences voting, as some of its members are always adopting “hardliner” positions⁸⁸⁹. Few countries also consistently object to

⁸⁸⁴ African group sponsored resolutions in the following way in 2014; 25th session 5 resolutions, 26th session 3 resolutions (1 withdrawn) and 27th session 6 resolutions. In 2013 the figures were; 22nd session 4, 23rd session 5 and 24th session 7.

⁸⁸⁵ The sponsorship of resolutions on behalf of a larger group has to do with topics under consideration, but it may also reveal wider political (dis)agreements and the diminishing ability to form coalitions. For example, the Organization for Islamic Cooperation (OIC) has been able to sponsor only resolutions condemning Israel after the Arab Spring.

⁸⁸⁶ Smith K. 2010, 238 and 232.

⁸⁸⁷ Rathgeber 2013, 5.

⁸⁸⁸ Wouters & Meuwissen 2013, 12.

⁸⁸⁹ For example the US.

the initiatives of Western states on the basis of political reasons⁸⁹⁰. The EU has also blocked many initiatives promoted by particular states. This is, for example, the case if EU revisions to the draft resolutions are not accepted. In those cases the voting procedure can be used as a threat towards the main sponsor of the resolution⁸⁹¹. Much also depends on issues that are on the table; some issues and country resolutions are more controversial on cultural grounds than others. As resolutions are mainly run following the voluntary annual calendar of resolutions after the 2011 review, particular resolutions are always considered in specific sessions to balance the work of the HRC. Thus this also explains the increased amount of voting in the end of March sessions; more controversial resolutions are under work then⁸⁹². Hence, whether the EU sponsored resolutions end up being voted on, depends on their topic and the EU's ability to sell the issue for others. For example, the EU country resolutions are often put under vote (North Korea, Belarus, Iran), while some thematic issues can be easier (rights of the child). In general, the EU is willing to avoid voting and works in advance to negotiate acceptable outcomes. This is highly rational in the sense that the EU countries are not likely to win votes from their minority position. According to one EU interviewee, voting can already be considered a sign of EU failure. A real sign of success is how few times the EU has had to vote against some text.⁸⁹³

In the Human Rights Council, the EU member states aim to vote in a cohesive manner, even if this is not compulsory. It needs to be noted that only those EU member states (usually 7-9 states) who serve as members of the HRC are able to vote. Wider EU disagreement is not necessarily apparent at the time of voting, because not all EU member states can express their opinions through this procedure. If there is no EU agreement on a particular issue, member states usually abstain in the voting process. The EU's internal effectiveness and also its relevance are considered as being reflected in its voting records. In this respect, the EU has been internally highly united and effective, much more united than in the previous CHR⁸⁹⁴. Table 5 shows the EU split votes in 2006-2014 in adopted HRC resolutions, and reveals the topics where EU splits have occurred. The table also demonstrates that in the cases of splits, there are most often only one or two member states that do not follow the EU majority. However, even in these cases, member states do not often promote opposing positions, but either choose to be in favour or against while others abstain, or abstain when the EU majority adopts a stronger position. From the perspective of internal unity, the most difficult cases are those where member states adopt contrary positions during the voting (see for example resolutions 25/22, 13/9 and 14/1 in table 5). Splits reflect the right of member states to follow their national positions, and it remains disputed how the occurring splits influence the EU image. Often EU unity is perceived to be an important precondition for increased effectiveness. Externally the question is not as clear, as EU diversity may also be perceived positively. Of course, if the EU rule is to work together, it is not fair to break the consistency. In the longer run, this kind of behaviour could also be detrimental for the atmosphere in EU cooperation meetings. However, Gowan and Brantner notice that if there have been

⁸⁹⁰ For example Cuba, Venezuela and Russia.

⁸⁹¹ EU interview 14.

⁸⁹² See HRC voluntary annual calendar for thematic resolutions

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/CalendarHRCThematicResolutions.pdf>

⁸⁹³ EU interview 14.

⁸⁹⁴ For example in 1990 and in 1997 the percentage of split votes was more than 40%, see Smith K. 2006a, 124.

European splits on individual crises, these have often been resolved rather quickly⁸⁹⁵. This fact supports the view that EU member states are internally highly effective and willing to cooperate and coordinate at the HRC.

If the topics of EU disagreement are considered, table 5 shows more particular resolutions and their topics. It demonstrates how disagreements have been related mainly to the Israel-Palestine conflict (item 7) in the past. This finding is supported by previous research and by the interviews with EU experts. It is difficult to give any general explanations for these EU divisions, as there are several, even contradicting, explanations. Disagreements may be, for example, related to particular resolutions and their wordings, national preferences, and to the overall political atmosphere within the EU cooperation. For example, in the case of the Middle East, the EU member states have traditionally held different opinions towards the conflict and also their transatlantic relations have influenced the positions adopted. These two factors may explain to some extent the occurring differences. Only after 2012 have there been visible EU divisions in other issues as well. These include, for example, the right to development and peace, the rights of peasants, anti-terrorist measures, and the effects of the foreign debt on the enjoyment of human rights. These later EU differences may reflect the differing perspectives of EU member states towards the realization of economic and social rights, as some of them are more reluctant to adopt binding decisions with economic consequences. The EU member states may also disagree whether a particular initiative is properly prepared or includes relevant guidelines and measures in order to be supported⁸⁹⁶. However, there may also be other reasons for EU splits.

One possible way of studying the reasons for EU disagreements is to look at the EU's and member states' explanations of votes delivered at the HRC. These statements reveal, for example, how some EU member states perceive particular human rights issues more as security concerns, and hence, better related to the UN Security Council agenda⁸⁹⁷. For example, in the case of the use of remotely piloted aircraft or armed drones (see 25/22 in table 5), the UK and France argued that this issue could not be discussed under the mandate of the HRC, whereas Ireland was supportive of such debate and further analysis on the question⁸⁹⁸. The EU majority abstained in the voting process. The EU splits in the case of action against racism are interesting. Most often different EU statements related to racism, xenophobia and all kinds of discrimination express a high degree of commitment and respect for the topic, and the legal basis of the EU to fight racism. However, the resolution on this topic (24/26) caused an EU split. The EU's explanation of the vote in this case does not give any reason for such behaviour, as it only expresses EU agreement on this issue and its member states' choice of abstention during the voting⁸⁹⁹. Hence, the vote against the resolution by the Czech Republic seemed to have been a surprise for the EU as well.

⁸⁹⁵ Gowan & Brantner 2011, 9.

⁸⁹⁶ EU explanation of vote: *Rights of peasants*, HRC 26th session, 19.6. 2014.

⁸⁹⁷ Especially France and the UK, who also have better possibilities to influence at the SC.

⁸⁹⁸ UK Explanation of vote, Irish Explanation of vote: *The use of remotely piloted aircraft or armed drones*, HRC 25th session, 28.3. 2014.

⁸⁹⁹ EU explanation of position: *From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance*, HRC 24th session, 19.9.2013.

Table 5: EU split votes in adopted resolutions at the HRC 2006-2014

Year/HRC sessions	EU splits/ voting times	topic of resolution (resolution number)	EU difference (majority /split)
2014/25-27	5/32	effects of foreign debt on the enjoyment of human rights (27/30) right to peace (27/17) right to development (27/2) rights of peasants (26/26) use of remotely piloted aircraft in anti-terrorist attacks (25/22)	Abstention /Czech,Germany against Against /Ireland,Italy, Romania abstaining In favour /UK abstaining Abstention /Czechs, Romania, UK against Abstention /France,UK against, Ireland in favour
2013/22-24	3/28	action against racism (24/26) right to peace (23/16) report on Gaza Conflict (22/25)	Abstention /Czechs against 4 against/4abstaining In favour /Czechs abstaining
2012/19-21	1/28	Israeli settlements (19/17)	Abstention /Austria, Belgium in favour
2011/16-18	3/26	Humanitarian flotilla in Israel (17/10) Gaza conflict (16/32) Humanitarian flotilla in Israel (16/20)	In favour /Slovakia, Poland, Hungary abstaining Abstention /Slovakia,UK against In favour /Slovakia, Poland, Hungary abstaining
2010/13-15	3/20	Israeli attacks on hum. boat convoy (14/1) Gaza conflict (13/9) HR violations by Israel (13/8)	Abstention , Slovenia in favour/Italy and Netherlands against Against , Slovenia in favour/UK, France, Belgium abstaining Against , Slovenia abstaining
2009/10-12	1/25	HR violations in Gaza by Israel (10/19)	Abstention /Germany, Italy, Netherlands against
2006-2008/1-9	no splits		

Information collected from the Annual reports of the HRC and HRC Extranet.

The EU's External Effectiveness

External effectiveness refers to an actor's ability to achieve its objectives and influence other actors. Essential here is how much support the EU is capable of achieving, and to what extent it can be seen as able to shape the discourse at the HRC. In order to evaluate the EU's external effectiveness, more

precise EU objectives need to be outlined. However, it is not always easy to see what the concrete goals of the EU are in a specific organization. The EU's commitment to effective multilateralism and to the strengthening of the UN set the wider framework for the EU's objectives in the HRC. More specific EU priorities in the UN human rights fora are stated by the Council annually⁹⁰⁰, a practice which was started in 2012. Table 6 introduces the main priorities of the EU at the UN human rights fora in 2012-2014, collected from the Council Conclusions. These topics are closely related to the EU's more general external human rights policy goals. As the table shows, the number of country cases is well balanced with the number of thematic issues. The EU drives its objectives through HRC resolution initiatives, and in more informal side events. The EU's success in achieving its goals is evaluated before and after each HRC session in internal EU meetings. Generally, the presented EU resolutions have always been accepted at the HRC, which shows high external effectiveness.

Table 6: EU Priorities at the UN human rights fora 2012-2014

Country cases	Thematic issues
Belarus	death penalty
Central African Republic	freedom of religion and belief
Democratic Republic of Congo	rights of the child
Eritrea	women's rights
Iran	gender equality
Libya	freedom of opinion and expression
Mali	(internet, journalists/bloggers)
Myanmar/Burma	freedom of association and assembly
North Korea	civil society space
South Sudan	torture
Sri Lanka	LGBTI rights
Sudan	racism
Syria	indigenous peoples
	persons with disabilities
	business and human rights
	economic, social and cultural rights
	democratic governance
	UN Special procedures, Universal Periodic Review, Treaty Body system
	private military and security companies

Priorities are collected from the Council Conclusions on EU priorities 2012-2014.

When these country cases are considered, it can be noticed that the EU mainly points to human rights situations in African and Asian countries, and most of them deal with serious human rights crises. The EU does not take up dubious human rights records of some other countries, such as Saudi Arabia and Bahrain, as these countries may have economic and strategic importance for the EU member states. The EU has also been incapable of dealing with some country cases, such as Egypt, Libya and

⁹⁰⁰ Council Conclusions on EU priorities at the UN Human Rights Fora 2014 (10.2.2014), 2013 (18.2.2013), 2012 (27.2.2012).

Bahrain because of internal EU member state disagreements⁹⁰¹. Secondly, for example Syria, Iran and North Korea are not exceptional in any way as these countries have been the concern of the global community for some time already. In the cases of Syria, Iran and Sri Lanka the sponsorship of country resolutions is shared with several countries, and individual EU member states are more active in the process⁹⁰². Belarus seems to be the only “exceptional” country case on the EU list⁹⁰³. Only resolutions on Myanmar and Belarus remain solely in the hands of the EU. Overall, the EU list can be considered rather selective, as there are no country cases that would point to powerful countries, such as China, Russia, South Africa or the US. This would suggest that the EU sponsors only those resolutions that have a high probability of becoming accepted.

The most urgent country cases are usually considered at the HRC Special sessions in which the EU has played an active role. In July 2015, there had been 23 special sessions, and the EU/EUMS had initiated eight of them⁹⁰⁴. It needs to be noted that individual EU states have been among co-initiators in fifteen special sessions, which again makes some difference. However, EU success in these sessions has varied if their outcomes are evaluated. The most problematic for the EU have been special sessions dealing with the Middle East conflict, which has been the topic of almost one third of these sessions⁹⁰⁵. The EU has expressed its wish to move the entire item 7 (Israel-Palestine conflict) into item 4, which considers country cases that demand the HRC’s attention. According to EU positions, this move would show that all human rights violations, regardless of the offending party, should be subjected to scrutiny and investigated in accordance with international standards⁹⁰⁶. The major problem is that many special sessions have been initiated by countries and organizations, and they have agendas and objectives highly different from the EU⁹⁰⁷. EU success in Special sessions has varied. Especially the 8th special session on the Democratic Republic of Congo and the 11th special session on Sri Lanka have been considered as EU failures, as the EU needed to compromise on the end results⁹⁰⁸.

When the EU’s success in thematic issues is considered, the evaluation becomes more difficult. This is because in thematic issues the EU member states have more often taken the initiative, and it is not easy to see when they act solely in their national capacity. One recent example could be Ireland’s sponsorship of civil society space resolution⁹⁰⁹. Even if the topic is on the EU list of priorities, it is promoted as a national Irish initiative⁹¹⁰. The problem also seems to be that there is no interest of

⁹⁰¹ These cases were often mentioned in the interviews, for example in external interviews 8, 16, 31, 32.

⁹⁰² For example Sweden in the case of Iran.

⁹⁰³ The EU sponsored this country resolution already in the previous CHR, but it was lost during its final years.

⁹⁰⁴ EU initiated session on Darfur, Myanmar, Congo, Sri Lanka, Libya and three sessions on Syria. In the 19th special session on Syria there were also other initiators.

⁹⁰⁵ Special sessions 1, 2, 3, 6, 9, 12 and 21 have considered the human rights situation in Gaza, Palestine, Israel and Lebanon. Initiators of the sessions include, for example, Tunisia, Group of Arab states, the OIC, Egypt, Pakistan, the African group, NAM, and Cuba.

⁹⁰⁶ See for example EU Intervention: *Interactive dialogue with the Special Rapporteur on the situation of human rights in the Palestine territories occupied since 1967*, HRC 28th session, 23.3. 2015.

⁹⁰⁷ Including for example Tunisia, Group of Arab states, the OIC, Egypt, Pakistan, the African group, the NAM, and Cuba.

⁹⁰⁸ Basu 2012, 94-95.

⁹⁰⁹ HRC 27th session, resolution 27/31.

⁹¹⁰ See the webpages of Ireland’s Department of foreign affairs and trade: <https://www.dfa.ie/our-role-policies/international-priorities/human-rights/ireland-and-the-human-rights-council/>

promoting some good ideas as EU initiatives. According to an interviewee, sometimes member states want to “collect the points” and let the EU to take care of the more difficult cases⁹¹¹. Several human rights resolutions are run by individual EU countries on topics which cannot be found on the EU list. One example is the resolution concerning the right to safe drinking water and sanitation promoted by Germany and Spain. Usually, these member states’ initiatives are supported by other EU member states. For example, this resolution is supported by 27 EUMS, only excluding the UK. Hence, there is cooperation between the member states, even when internal agreement and hence, a common EU position, cannot be reached in each and every question. Individual EU member states also drive issues together with non-EU partners from other regions. This is because achieving cross-regional support for resolutions in the case of divisive or controversial resolutions is extremely important. Individual member states may also have more experience for taking the initiative in some country cases⁹¹².

Sometimes, EU initiatives can be handed over to other regions for promotion, as it is considered important to diversify HRC sponsorships⁹¹³. The EU may also be a strong actor in specific thematic questions, but sometimes it may refuse to promote them if success is unsure⁹¹⁴. This is because it takes time to bring the lost initiatives back to the Council debate. For example, in the case of lesbian, gay, bisexual and transgender rights the issue was first brought up by a group of European countries⁹¹⁵. However, it was considered beneficial if the main sponsorship could be given to other regions. Hence, the topic was handed to South Africa, which withdrew during the process. The resolution on human rights, sexual orientation and gender identity run by Brazil, Chile, Colombia and Uruguay was adopted during the 27th session in September 2014⁹¹⁶. This also reveals how internal EU splits on thematic issues may have to do with religion or conservative ideology. Those issues where the EU has had challenges include the right to development, the right to food, and the right to water. These difficulties reflect the different prioritization of rights between the EU and the developing world.⁹¹⁷ As the implementation of these rights would demand economic contributions, the EU is reluctant to take further steps. The EU has increased its focus on economic and social rights, for example, in the human rights strategy and the following action plans in 2012 and 2015. However, the EU priority lists still seem to prioritize political and civil rights. Another important, but controversial, thematic issue added to the EU priority lists is racism. The EU has had difficulties in dealing with racism or racial discrimination in the context of the Durban Review Conference⁹¹⁸, organized in Geneva in April 2009. The EU’s poor performance in this Conference⁹¹⁹, but also more generally its behaviour in issues related to racism at the HRC, have diminished EU credibility as a human rights power in the eyes of the developing world.

⁹¹¹ EU interview 18.

⁹¹² For example, the UK in the case of Libya was mentioned in external interview 38.

⁹¹³ This also came out in my interviews with African countries. Some of them mentioned how resolutions promoted by the African group or countries are initially made by the EU or the US.

⁹¹⁴ EU interview 23.

⁹¹⁵ The first ever resolution on LGBTI rights was made in 17th regular session June 2011 (resolution 19). This resolution was sponsored by Greece, Ireland, France, Norway, Slovenia, South Africa, Sweden, and Switzerland. 23 countries voted in favour of the resolution, while 19 countries voted against. Three countries abstained during the voting.

⁹¹⁶ Excluding only Malta and Romania.

⁹¹⁷ Macaj & Koops 2011, 76.

⁹¹⁸ This conference was organized to review the implementation of the Durban Declaration and Programme of Action produced by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001.

⁹¹⁹ Some EU member states boycotted this conference and even undermined EU preparations for the event.

Despite a high degree of internal effectiveness, the EU's external effectiveness has been claimed to be only moderate⁹²⁰. One of the main reasons for EU's disgrace, mentioned in previous studies, is the heavy internal negotiation processes, which consume lot of time⁹²¹. However, the general outcomes of the HRC, as well as EU success, is highly dependent on changing political variables⁹²². The influence of the African group and the Organization for Islamic Cooperation (OIC) on particular questions often explains the EU's positions. These political divisions are most apparent when the HRC votes. In order to win a vote, the ability to form a majority is essential. For the EU this is demanding as it represents only 15% of states serving in the Council. The Western European and Other States group and the Eastern Europe group make only 28% of the total membership of the HRC, and not all states in these groups align with EU positions. States from the South make up 63% of the HRC, and the EU has often been on the losing side when Asian and African countries (56%) disagree with it. Latin American countries have often prioritized human rights questions instead of South-South solidarity⁹²³. Even if the EU could attract many Latin American countries, their amount (7%) is not conclusive. In the past, countries voted by following their political groups, not just the regional division. However, after 2009, coalition forming has gone through some turbulence maybe due to re-engagement of the US, but also because of changes in global politics, like the Arab uprisings. For example, during the 16th session of the HRC many politically sensitive resolutions could be adopted with the help of unforeseen coalitions. Many countries from Asia and Africa voted more independently and the influence of the OIC decreased⁹²⁴. However, coalitions in the HRC are often based on various factors and it is impossible to foresee what happens in the future.

The EU's external success can be evaluated by looking more closely at the HRC voting processes and the EU's positions in them. Figure 2 shows the EU's positions in the adopted resolutions and decisions, which have demanded voting during regular sessions. Especially those cases where the EU has voted against an adopted resolution would demonstrate the EU's failure to influence the outcome⁹²⁵. According to Smith, who has studied the voting records during the first 12 regular session of the HRC, the EU was in a minority position in 78.5% of the cases where voting was used⁹²⁶. However, if we look at the EU's position after 2008, there has been a notable change. As figure 2 shows, in 2009-2011 the EU objected to only half of the resolutions adopted by voting, and in 2012-2014 less than third of them. This could suggest that the EU has been able to change the draft resolution texts already during the negotiations, and in the end there has not been a need to object to them. Furthermore, it also needs to be reminded that most HRC resolutions are adopted by consensus, without voting. Hence, if the EU losses (EU voting against) are compared to the total number of accepted resolutions, it can be noted, that in 2014 the total amount of adopted resolutions was 102 (see table 4), and the EU voted against only in nine cases. Hence, the HRC has worked against EU positions in less than 10% of resolutions⁹²⁷.

⁹²⁰ Gowan & Brantner 2008a, 2009a, 2009b, 2010 & Smith K. 2006a, 2008, 2010

⁹²¹ Smith 2008, Gowan & Brantner 2008a.

⁹²² Wouters & Meuwissen 2013, 20; Rathgeber 2012, 9.

⁹²³ Kissack 2010, 50.

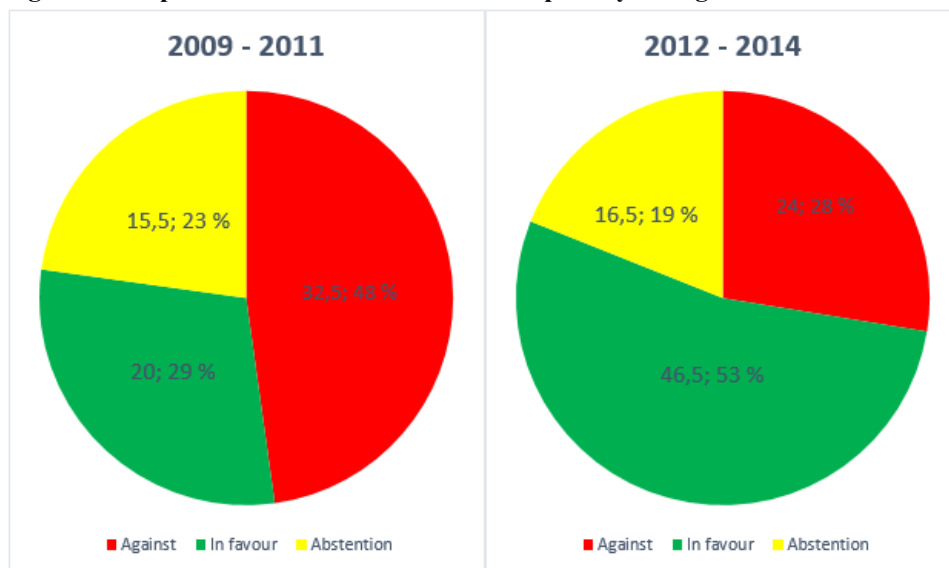
⁹²⁴ See Rathgeber 2012.

⁹²⁵ This perspective was introduced by one EU interviewee. According to him, this is how the real success of the EU can be measured (EU interview 14).

⁹²⁶ Her way to calculate this may be somehow different than mine, see Smith K. 2010, 234.

⁹²⁷ In 2013 these figures were 95:7 and in 2012 94:8.

Figure 2: EU positions in HRC Resolutions adopted by voting 2009-2011 and 2012-2014⁹²⁸



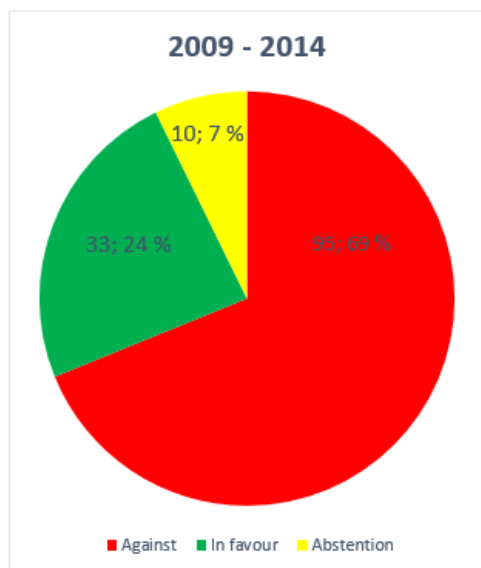
Information collected from the Annual reports of the HRC.

An important question is when the HRC ends up voting. Voting does not necessarily reflect only disagreement about issues, but it can be related to a late or weak drafting of the resolution. For example, according to the EU explanation of the vote, the resolution concerning the right to development was not supported by all EU countries, because the tabled resolution had not accommodated all the concerns mentioned during the process, and the EU noted fundamental differences in opinion, for example, about indicators and appropriate instruments for development.⁹²⁹ Thus, voting may tell about the failed negotiation processes and also explain the number of EU abstentions in the voting processes. Here the EU has adopted a different strategy when compared with the US. Figure 3 shows how the US has adopted hard-liner positions and often voted against the adopted resolutions. However, there is also a considerable change after 2011; in 2009-2011 the US voted in favour of adopting resolution only in six cases, while in 2012-2014 it voted in favour in 27 cases. It needs to be noted that the causal relationship between voting behaviour and the success of an actor is not self-evident. Much can be explained by looking at the substance and initiators of those resolutions that end up being voted for.

⁹²⁸ These votes have been counted by giving the value of 1,0 to each voting choice, and when there has been a EU split, both options have received the value of 0,5. In 2009-2011 there were 68 voting and in 2012-2014 87.

⁹²⁹ In this case there was an EU split as well, see the EU's explanation of the vote concerning the right to development, session 27.

Figure 3: US Positions in HRC resolutions adopted by voting in 2009-2014⁹³⁰



Information collected from the Annual reports of the HRC.

Voting behaviour must be considered in relation to the ambitiousness of objectives at the HRC. As it was already noted, not all goals have an equal value. Some of them may include high costs for the policy-maker and even minor achievements would mean great success. In order to evaluate the EU's real effectiveness, the nature of the EU objectives should be more critically studied. Previous research has claimed that the EU has taken a low-key defensive approach in the Council by aiming to build consensus and avoiding difficult issues⁹³¹. This kind of EU attitude was also mentioned in many of the external interviews with human rights organizations⁹³². According to critics, the EU should not compromise its progressive human rights positions because of the objection of some countries and organizations. One of the interviewees mentioned how the EU's compromising attitude is utilized by other countries; they know that the EU will not force them to adopt specific positions or sanction them for breaking promises. If the EU would adopt harder positions, it could be more respected by others.⁹³³ This seems to include a dilemma for EU action at the HRC. Either it accepts lower ambitions and ends up being more popular and helps the HRC to work better, or it adopts strong positions and creates sharper confrontations between HRC participants and more bloc thinking.

It needs to be noted, that the EU has also succeeded on some tough and controversial issues, where the case of defamation of religion is illustrative. The EU always opposed this resolution run by the OIC because it was considered to decrease the right to criticize religions and was seen as related to the restriction of the freedom of speech and expression. Gradually support for this OIC sponsored

⁹³⁰ The US became a member of the Council 19 June 2009 and was re-elected for another three-year term in 2012. The US term will expire by the end of 2015, and it needs to have at least a one-year break. Here I have counted those regular sessions (12-27) where the US has been a voting HRC member.

⁹³¹ Smith K. 2010, 236.

⁹³² For example external interviews 7, 16, 34.

⁹³³ External interview 38

resolution decreased, and in March 2011 it was replaced by two resolutions concerning freedom of religion or belief, introduced by the Organization of Islamic Cooperation (OIC) and the EU. The EU resolution on freedom of religion and belief (FoRB)⁹³⁴ has been adopted by consensus in the HRC in each March session after that⁹³⁵. In this particular case, there was no other option for the EU than to aim towards creating dialogue and proceeding slowly, as the majority of the HRC members held differing opinions. It is clear that the EU must acknowledge the realities of the Council and set realistic objectives. The EU must also be active in those issues other actors find less controversial and important, such as ESC-rights⁹³⁶. However, this should not rule out the promotion of other EU priorities. In general, the EU seems to be ambitious in those issues it finds important, where there already is internal EU agreement, and where the EU notices its opportunity to succeed.

Can the EU contribute to the effectiveness of the HRC?

The last aspect of effectiveness is related to the abilities of the EU to contribute to the *effectiveness of the HRC*. This is an important goal in light of the EU's normative power role claims and self-declared commitment to "effective multilateralism" and the UN. According to the EU's self-perception outlined in chapter five, it is an important EU priority to support the HRC, and its mechanisms (Universal Periodic Review and Special procedures)⁹³⁷. More generally, according to EU documents, the Union shares the same values and aims with the UN, and this relationship empowers both actors. It is also assumed that the cooperation between these two actors will increase in the future⁹³⁸. Furthermore, the EU documents present the EU as a disinterested "global public service" which can be differentiated from the US and its version of multilateralism. This distinction, which considers the US as a more instrumental user of international institutions, is also reproduced in the reflections on EU practices.⁹³⁹ In light of these statements, it could be assumed that the EU is willing to work in order to make the HRC a more effective global body. However, it is still possible that EU action, however benign the intentions may be, can do harm to those institutions it aims to assist.⁹⁴⁰ That is why the EU's contribution to achieving the main goals of the HRC, such as *responding to urgent human rights violations, promoting and protecting human rights and enhancing cooperation and dialogue between participants*, should be evaluated in a more detailed manner.

The evaluations of internal and external effectiveness of the EU have demonstrated how the EU and its member states have been active in delivering statements and sponsoring resolutions. The number of EU and its member states' sponsored resolutions (more than one third) suggests that it has made a remarkable contribution to the HRC in general. In this respect, the outcomes of the HRC would look quite different without an EU output. Through its interventions and priorities the EU has also raised several thematic and country specific issues to HRC attention. The EU's focus on human rights crises

⁹³⁴ See also Council of the European Union (2013): *EU Guidelines on the promotion and protection of freedom of religion or belief*, 24.6.2013.

⁹³⁵ During the 16th, 19th, 22nd, and 25th regular sessions of the HRC.

⁹³⁶ That is why the EU is developing its agenda and instruments in this area (EU interview 18).

⁹³⁷ See EU priorities at the UN human rights fora 12.2.2014.

⁹³⁸ See The EU-UN Partnership report 2014, *Saving and improving lives* online version available at <http://report2014.unbrussels.org/index.html> (accessed 15.9. 2015).

⁹³⁹ Jørgensen 2009, 5.

⁹⁴⁰ Kissack 2010, 3.

in specific countries makes its contribution highly relevant. The EU has also organized many informal meetings and side events alone or in cooperation with third parties to create more debate on important themes. Here the HRC participants can more freely search for a common understanding on difficult and controversial questions before official resolutions are tabled⁹⁴¹. Hence, the value of these gatherings should be taken into account when the EU's contribution to the effectiveness of the HRC is assessed. The EU has also increasingly built cross-regional initiatives with others, and aimed to widen the participation in the Council by empowering its weaker partners through delivering financial support and education⁹⁴². The EU also aims to increase the effectiveness of the HRC by empowering civil society organizations to take part in its work.

There are also EU practices that do not serve the Human Rights Council's effectiveness in an optimal manner. For example, the fostering of EU unity does not necessarily serve the cause of human rights. When internal EU disagreements occur, member states with more ambitious human rights objectives may end up going with the more moderate EU majority. This is not the best possible option, as the HRC would also clearly need strong and courageous initiatives. EU cooperation and unity may also create more bloc mentality in the Council⁹⁴³. Other political groups find it necessary to unite their forces to balance the EU's collective power and presence. If this kind of bloc thinking increases, the HRC becomes less effective and less able to produce outcomes. Hence, the EU should consider on a case-by-case basis whether its strategy of unity serves the HRC effectiveness in the best possible manner. According to some of my informants, the EU could help to erode bloc politics by being less united and more open to other actors⁹⁴⁴. This is also supported by previous research⁹⁴⁵. Also the EU way to mainly criticize others and be less willing to talk about its own human rights problems does not provide the best conditions for further dialogue and partnership, which would increase the effectiveness of the HRC. This is related to the consistency and coherence of EU action. If the EU sets particular demands for others, it should also make sure that its own action is in congruence with them. For example, the EU and several non-governmental organizations⁹⁴⁶ have criticized other regional groups for not having competitive candidate lists for HRC elections. Genuinely open elections could have an important impact on the functioning of the Council as a whole by improving the quality of membership⁹⁴⁷. However, the EU has also promoted less competitive elections in its own group (WEOG) by nominating only as many candidates as there are seats⁹⁴⁸. Macaj and Koops also mention the lack of competition to ensure and engineer the election of the US⁹⁴⁹. In order to be more credible, the EU's regional groups should use competitive lists as a standard practice.

⁹⁴¹ These informal negotiations were considered to ease tensions and deliver knowledge for those missions that do not have enough resources to follow all issues (EU interview 23).

⁹⁴² This was brought up by many interviewees from poorer countries.

⁹⁴³ Few interviewees said that it originally were the EC/EU countries, which started the bloc thinking in the HRC. Other actors have merely followed this example. External interviews 5, 6, 25.

⁹⁴⁴ EU interviews 12 and 15.

⁹⁴⁵ See Macaj 2014.

⁹⁴⁶ The following of HRC elections is for example one of the priorities of Amnesty International, see <http://www.amnesty.org/en/united-nations/human-rights-council/priorities>.

⁹⁴⁷ Wouters & Meuwissen 2013, 21.

⁹⁴⁸ In 2013 France and the UK, in 2014 the Netherlands and Portugal (in WEOG group).

⁹⁴⁹ Macaj & Koops 2011, 79.

The most serious concern is, however, related to those issues the EU prioritizes. As the EU's efforts are mainly focused on civil and political rights, it seems difficult to find a common ground with the developing world. Clearly, the EU has acknowledged this problem and increased the attention paid to the realization of economic, social and cultural (ESC) rights in its Human Rights Strategy and following Action Plans. The EU also keeps repeating its commitment to those concerns, such as racism and discrimination, which the Global South consider highly important. However, the problem is more acutely related to the question of who should hold the responsibility in economic and social questions. From the EU perspective, individual countries have the primary obligation to answer to these needs, while the developing world would like to see more international responsibility⁹⁵⁰. This issue is evident in the case of the effects of foreign debt and the financial obligations of states on the enjoyment of human rights. According to the EU, the HRC is not the "correct forum for discussing financial issues relating to government resources for the realisation of States' human rights obligations" and this debate only "duplicates the work done in other international organizations"⁹⁵¹.

In practice, the implementation of economic and social rights would mean increasing the economic burdens for Western states, a consequence they are not necessarily willing to see. The EU has also criticized other's initiatives for the use of vague and arbitrary language, which forces the EU to call for a vote. For example, in the case of international solidarity the EU refused to support the initiative because of the lack of clear criteria of rights holders and duty bearers. According to the EU, because of the vague content of such claims, these efforts cannot lead to legal implementation. Without legal content such a principle would be meaningless for people on the ground.⁹⁵² Also in the case of the mandate of an independent expert on the promotion of democratic and equitable international order, the EU statement notices to how the elements of the mandate were selected arbitrarily and despite the expressed EU concerns, no changes were made⁹⁵³. In the case of the right to peace, according to the EU opinion, such a right has no legal base in international law, and it is impossible to find a consensus on this right⁹⁵⁴. In all of these cases the EU expresses its full commitment to the issues as such, but rejects the way and forum in which they are promoted.

There are also other human rights questions where the different perspectives of the EU and other HRC members are wide and the possibility to move forward effectively is not a likely option. The EU's new Action Plan for the years 2015-2019 notices eight "human rights challenges"⁹⁵⁵, where reaching an agreement with others is difficult. Of these topics the protection of the freedom of opinion and expression, promoting the freedom of religion or belief, gender equality, women's rights, and non-discrimination are likely to remain rather challenging topics at the multilateral level. In order to increase the effectiveness of the HRC, the EU should be able to promote these issues in a way that does not create too anxious an atmosphere. Differences in interpreting human rights concerns and

⁹⁵⁰ EU explanation of vote, *Right to development* HRC 27th session, 17.9. 2014.

⁹⁵¹ EU explanation of vote: *The effects of foreign debt and other international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*, HRC 23rd session, 6.6. 2013.

⁹⁵² EU intervention at the 29th HRC session: *Interactive dialogue with SR on the rights to education and the Independent expert on international solidarity*, 18.6. 2015 and EU explanation of vote: *International Solidarity*, HRC 23rd session, 6.6. 2013.

⁹⁵³ EU explanation of vote, *Promotion of democratic and equitable international order* HRC 27th session, 18.9. 2014.

⁹⁵⁴ EU explanation of vote, *Promotion of the right to peace*, HRC 23rd session, 6.6. 2013.

⁹⁵⁵ European Commission 2015, Joint Communication to the European Parliament and the Council, *Action Plan on Human Rights and Democracy 2015-2019*, 28.4. 2015.

finding a common ground with others sometimes decrease the effectiveness of the HRC. As a big bloc of countries, with highly developed internal human rights standards and practices, the EU has all the potential to positively further the HRC mandate and effectiveness. For the performance evaluations the essential question is what kind of status the EU eventually decides to take in its relation with the HRC. By working with different others, the EU may have to compromise more and its control over the contents of resolutions will diminish. Will the EU be satisfied with decreased control, or will it aim to promote these issues more directly through bilateral relations? Much depends on how effective a HRC the EU is ready to accept and support.

6.4 The Resource Viability of the EU

Resource viability refers to the EU's ability to raise the resources required to meet its objectives in the respective institution in the short, medium or long term. Resources may include financial means and personnel, but possibly also other resources such as external expertise and knowledge. Evaluating the EU's resources in the HRC is a challenge, especially as this study takes into account both the EU's and its member states' levels of action. Furthermore, resource viability should always be considered in the light of policy objectives and perceptions of EU relevance vis-à-vis international institutions⁹⁵⁶. As section 6.2 noted, EU relevance for its member states varies in the HRC context, which leads to different expectations and needs among its members. Some EU member states may have high ambitions concerning the HRC work, while other members may not have particular interests related to it. Often member states' expectations towards the actions of the EEAS are high, and the EU is used as a scapegoat when collective efforts are not successful. At the same time member states may be rather unwilling to give the EU-delegation more power, responsibilities and resources. The EU can also blame member states for their disengagement from common initiatives. The member states can outsource human rights issues to the EU delegation and concentrate on other issues⁹⁵⁷. Hence, evaluations of resource viability should acknowledge these two different perspectives. The external others represent the third perspective; what do they expect from the EU? If these expectations are high, the EU should also have resources to meet these expectations. Otherwise, the gap between EU capabilities and expectations becomes wide. This section analyses EU resources on the more general level, and draws some conclusions on the EU's ability to meet the expectations.

Collectively, the EU has more *financial resources and instruments* at its disposal than any other HRC participant. The EU is the largest contributor to the UN system, the total EU contribution to UN activities in 2013 being 1 630 million euros⁹⁵⁸. However, even if there is a slight increase in funding, only 3% of the UN budget is used for human rights. Approximately 40% of the Office of the High Commissioner for Human Rights (OHCHR) funding comes from the United Nations' regular budget, and the rest from voluntary contributions of member states. The biggest voluntary contributions to the OHCHR in 2014 were made by Sweden, Netherlands, Germany, the UK and Denmark. The voluntary contribution of the European Commission was also considerable, more than 7,5 million

⁹⁵⁶ Jørgensen et al. 2011, 610.

⁹⁵⁷ This was mentioned in the research interviews.

⁹⁵⁸ *Saving and Improving Lives: Partnership between the United Nations and the European Union in 2013*, October 2014.

dollars.⁹⁵⁹ These figures suggest that both the EU and its member states individually, consider the UN human rights for a highly relevant, and are willing to finance its activities. The EU's increasing presence at the HRC is also seen as an important objective. The self-perception of the EU suggests that it aims to show an example for others by taking an active or even leading role at the HRC. However, such an objective demands high resources and it is closely related to the discussion about the key tasks of the HRC. According to the interviewed UN representatives, the EU is keen to finance its own initiatives and priorities. It clearly wants to decide how and on what purposes the HRC resources are used.⁹⁶⁰ Hence, the EU's financial resources are closely tied to what added value the HRC as an institution can bring for the EU and its member states. If the HRC turns out to be too challenging a forum for the EU to promote human rights, it may invest its energy and resources elsewhere.

The economic crisis may also create pressures over a longer period of time. Especially the voluntary contributions of the member states for the HRC activities are vulnerable to cuts. According to my interviewees the economic crisis seems not to have directly affected the readiness of the EU to distribute resources in human rights issues. However, a few of them mentioned how the crises may, in the long run, diminish the resources of some member state missions in Geneva and lead to increasing burden-sharing, and more responsibility for the EU-delegation and larger member states.⁹⁶¹ It was also noted that the economic crisis does influence how much states are able to contribute to the UN, and more particularly to some expensive HRC mandates and country operations⁹⁶². This could lead to more selectivity and bias in the EU's approach. However, in light of my interviews, this is not the case yet. The economic crisis can also affect how economic interests and human rights issues get mixed in EU foreign policy; economic interests might weigh more than human rights concerns in particular cases. According to one interviewee this has already been apparent in relations with particular countries, such as Russia, Kazakhstan and China⁹⁶³. In these cases, also individual member states may be less willing to take the risk of deteriorating their relations with important economic partners.

The number of diplomatic staff for human rights promotion in the EU machinery is noteworthy. The EU-delegation in Geneva has around 5 experts solely working on human rights issues, and they are often assisted by interns. Also the Brussels headquarters and its human rights specialized staff assist the EU-delegation in several thematic and country cases. The wider global network of human rights focal points in EU-delegations around the world can contribute to specific issue preparations at the HRC by providing relevant local information and assisting human rights defenders who want to cooperate with the HRC.⁹⁶⁴ The number of human rights experts in EU member state missions varies, and, for example, during the rotating presidency their number increases. This is also the case when the EU state serves as a member of the HRC. However, there is much variation depending on national resources and objectives; member states may have from four to more than ten human rights experts

⁹⁵⁹ OHCHR Report 2014, May 2015.

⁹⁶⁰ External interviews 15, 25.

⁹⁶¹ These issues were mentioned in EU interviews 2, 3, 9, 12.

⁹⁶² EU interviews 13, 14, 15.

⁹⁶³ EU interview 10.

⁹⁶⁴ EU interview 17.

in their Geneva delegation. There are also often many assisting persons working in the capitals of member states. Thus, it is very difficult to measure how many experts are working for human rights or solely for HRC issues. According to my estimation, together the EU-delegation and member states probably have more than 200 human rights experts working on HRC-related issues. Compared to other EU policy areas, such as trade and security, this amount might be moderate, but in comparison to any other actor at the HRC, these EU personnel capacities are considerable. Through the EU's burden-sharing activities, this number of people can make a real difference. What needs to be noted is that the EU's open attitude towards human rights defenders and organizations brings it additional expertise and knowledge, which is beneficial when the EU is preparing different thematic and country resolutions.

More relevant than the number of experts is, of course, their individual capacities, such as negotiation skills, particular expertise areas, and personalities. Many of my interviewees underlined the important role of individuals in Geneva negotiations. Usually human rights experts⁹⁶⁵ spend only three years in Geneva, which means that there is not so much continuity in their work. It was also noted that new experts and delegations tend to be quite conservative and careful in the beginning of their term⁹⁶⁶. There are also exceptions to the general short-term stay; some experts spend years or return to Geneva after a break, and have a longer time-perspective towards the Council work. Many of them may also have relevant UN experience from New York or from other UN locations. These experts are used to working in the UN environment and can also promote challenging and sensitive issues often demanding highly qualified negotiators. Human rights experts can have very different profiles and expertise, which is of crucial importance when driving some thematic or country cases. The EU benefit in comparison to other actors is that it can use the vast expertise of its member states. There is always someone who is familiar with the issues or country case. One important change after the Lisbon treaty has been the increased role of the EU delegation in Geneva. According to my interviewees the delegation is considered to be effective, but its role is dependent on the personalities and abilities to cooperate with member states' diplomats⁹⁶⁷. The EU-delegation is also dependent on how good national diplomats are sent to the EEAS posts. Furthermore, when the EU-delegation is compared with some bigger EU member states or the US, its resources are scarce; it is more like another middle-sized EU member state. This has also caused concerns among the member states. From the Brussels perspective, the Geneva delegation to the UN is relatively well resourced⁹⁶⁸. As this comparison shows, the evaluation depends on perspective. Much also depends on the expectations the EU is considered to fulfil in the HRC context. If it is seen only to support and facilitate member states, serve as some kind of secretariat, it probably is quite well resourced. However, if the EU delegation is assumed to take leadership in several issue areas, it can be considered severely under-resourced. Hence, the additional staff members from the rotating presidencies are highly needed to promote collective EU positions. The former rotating presidencies often had differing resources to carry the responsibilities of representing the EU, also depending on their HRC membership and national priorities. The six months Presidency period is quite demanding

⁹⁶⁵ There are different kinds of contracts, but most often three-year term is the normal length of term in both EU-delegation and in EUMS missions.

⁹⁶⁶ EU interview 15.

⁹⁶⁷ EU interviews 13, 16.

⁹⁶⁸ EU interviews 17, 18.

to work effectively, especially during the HRC spring term when the main session is organized. The problem is also to find qualified personnel to work only temporarily in Geneva. Working in the Geneva environment demands special knowledge of the UN mechanisms and expertise and experience from multilateral negotiations.

The last, but not least, aspect is the EU's ideological resources and possibility to benefit from its positive image. Externally, the European human rights regime is considered to have progressed, and it does carry respect among third parties. European human rights institutions and standards are able to present a model and example for other states and regions. However, this normative example refers to wider Europe and it is not necessarily coincident with the EU regime. The interview material shows that, for example, Norway and Switzerland have highly positive images in the HRC, and as a consequence they have succeeded in presenting important resolutions and gain allies. One important precondition for a positive image is the EU willingness to empower and fund others actor's activities and priorities. Here the EU has been active in relation to some UN member states and human rights organizations. In general, the EU's image and ideological resources may not be as attractive as it assumes. The EU is part of the West, and its human rights interpretations are not shared by the majority of HRC members. Much depends on what issues the EU will drive, and how it aims to promote them. A positive image would need dialogue, not just monologue. The EU's image would also be improved with coherence between words and action, as well as between internal and external policies. Interestingly, there is still quite a big difference between the perceptions of the EU and the US as ideological powers, noted in previous research⁹⁶⁹ as well as by the interviewees⁹⁷⁰. The US is perceived as a strong player who mainly follows its own interests and is less willing to take into account others' views. The pro-Israeli attitudes of the US also make it less attractive partner in the eyes of many Muslim countries. According to the interviewees, the EU is mainly seen as a softer and more cooperative actor at the HRC, even if its human rights positions do not differ much from the US views. Such a "normative difference" could be a beneficial ideological resource for the EU to be used at the HRC.

6.5 EU Efficiency at the HRC

The EU's *efficiency* is closely related to its resource viability as it refers to the relationship between achieved goals and incurred costs. After the Lisbon treaty, the EU has aimed to improve its efficiency with institutional changes and by adopting a more strategic approach to human rights questions at the UN. As the previous section on resource viability noticed, the EU has vast financial and personnel resources when the EU and its member states are taken together. This section asks how efficient the EU has been in activating these resources to meet the aims set for EU action in the HRC. Efficiency is a demanding objective for the EU. As a hybrid organization, the EU is bound to be at least to some extent inefficient because of its heavy internal coordination processes. Due to this internal complexity, Jørgensen et al. notice how the EU seems to accept relatively low efficiency⁹⁷¹. The complexity of the EU as an institution makes it challenging to measure the EU's efficiency or compare

⁹⁶⁹ Kissack 2010, 145.

⁹⁷⁰ This difference is studied in more detail in chapter 7.

⁹⁷¹ Jørgensen et al. 2011, 611.

it with other actors at the HRC. But is the EU's efficiency improving with the new approach and wider responsibilities of the EU-delegation? How could the EU use its resources more efficiently?

Many of the EU interviewees thought that the EU is not using its vast resources and various instruments in the best possible manner at the HRC. Efficiency problems were often related to the EU's internal dynamics. For example, difficulties in finding the best possible organizational efficiency were mentioned⁹⁷². Interviewees had different views concerning the efficiency of EU unity or diversity. Unity demands heavy internal negotiations and takes valuable time from EU outreach to other partners. As one interviewee said "if you want to achieve something for human rights then insisting on the unity of 27 is not the best way forward"⁹⁷³. However, EU unity is seen as a precondition for the enhanced role⁹⁷⁴. Better cooperation already in Brussels was seen by many interviewees to be the main way to improve efficiency as member states have less need for internal coordination in Geneva and they can concentrate on finding allies from other regions⁹⁷⁵. Those interviewees who had spent a longer time in Geneva thought that the co-operation processes at the HRC have developed much over the years⁹⁷⁶. One of the interviewees even said that she was impressed with the efficiency of EU negotiations when she arrived in Geneva⁹⁷⁷. Another interviewee noted that the efficiency of the EU or member states does not depend on their personnel at Geneva, but on the capital level⁹⁷⁸. Hence, generally the EU's multilevel and complex diplomacy and coordination problems mean that the EU efficiency does not look as good as it could at the HRC. There is much more potential with such a vast amount of resources. As one interviewee put it: "the EU must develop better outreach, become more talented in sharing the knowledge faster and reacting in a more rapid way"⁹⁷⁹.

The new approach to human rights and wider responsibilities of the EU-delegation was mainly evaluated positively among the EU interviewees. The enhanced role of the EU delegation was seen to have potential for more efficiency. However, the interviewees disagreed about the real consequences of this change so far. Some thought that the EU delegation is less efficient than its role suggests⁹⁸⁰. Many also reminded that this process is still taking its first steps, and it is difficult to say how it will influence in the future⁹⁸¹. The more strategic approach may also include a more efficient use of different, even coercive instruments. Efficiency is often related to the use of 'carrot and sticks' in foreign policy. Here the member states' opinions clearly differed, as some of them were more willing to take a stronger approach and, for example, set stricter conditions for EU aid. In general, several member states still seem rather reluctant to use such measures with "more teeth" towards other states even if this would make the EU a more efficient actor. However, mainstreaming human rights and combining different issues, for example, when conducting bilateral negotiations were

⁹⁷² EU interviews 15, 20, 22, 23.

⁹⁷³ EU interview 19.

⁹⁷⁴ EU interviews 8, 11.

⁹⁷⁵ EU interviews 2, 3, 6, 11, 12, 20, 21.

⁹⁷⁶ EU interviews 11, 18, 22.

⁹⁷⁷ EU interview 21.

⁹⁷⁸ EU interview 15.

⁹⁷⁹ EU interview 6.

⁹⁸⁰ EU interviews 3, 13, 15, 16.

⁹⁸¹ EU interviews 5, 10, 11, 12, 16.

suggested in many interviews as ways to improve efficiency⁹⁸². This would mean more focused attention on particular problems and locations, and the use of measures that would go beyond the Geneva environment. Hence, there is no easy answer to the question of how the EU could be a more efficient actor at the HRC. It must be noted that the efficiency of the EU's human rights policy is largely dependent on the external environment and how other non-EU actors perceive the EU role. If other actors see the EU as a relevant and reliable partner, it is much easier for the EU to drive its objectives and attain goals. When the EU is considered attractive, there is less need for stronger measures. The EU rhetoric and argumentation capacities are in a key position to improving its efficiency. As Kissack notes, for example the successful drafting of the death penalty moratorium resolution shows how clearly articulating the reasons for supporting a given policy and deflecting criticism with well-reasoned arguments is an important skill at the UN⁹⁸³. However, it is also likely that some other states and blocs are not willing to see stronger and more efficient EU at the HRC. They may compete with the EU and aim to provide alternatives for its human rights interpretations. In such cases mere argumentation will not be enough. These actors create the biggest challenges for an efficient EU performance.

6.6 EU Performance in Light of its Normative Power Role

Performance focuses on the behaviour and impact of the EU in practice, and it can support or detract the EU's role ambitions. The EU's self-perception underlines the EU's role as a supporter and contributor to the UN, and as an example and partner for others, all features consistent with the normative power role. This section evaluates the EU's performance more particularly in light of its normative power role claims. The EU's increasing presence and relevance for its stakeholders at the HRC can be considered to reflect its emphasis on being at the multilateral fora. It was noted how the mere presence of the EU at the HRC can cause overt norm-diffusion in others⁹⁸⁴. Furthermore, also being present when it does not serve EU interests directly would contribute to the normative power image and draw a picture of the EU's less instrumental attitude towards international institutions. Clearly the EU has been committed to the HRC from the beginning, even if this commitment has sometimes worked against EU interests. The EU has also succeeded in providing one message with considerable EU unity, which has strengthened its consistency in the eyes of others. The EU appears as the most united bloc with common, well-prepared positions. The EU-delegation has a generally good reputation and it is recognized as an actor in the HRC. However, this unity may also have adverse effects if common positions reflect only lowest common denominator between the member states. The relevance of the EU message is sometimes lost when it tries to compromise its positions too much. This would not match with the normative power role and a strong defence of values.

The normative power role self-image also underlines the EU's contributions to the UN and the HRC. The EU and its member states have clearly been active participants at the HRC by contributing to its sessions and debates in several issue areas. Collectively the EU has been the most active contributor to the HRC and without a doubt, the HRC would look quite different without the EU's presence and output. The EU's external effectiveness also seems to be rather high; it has succeeded to influence

⁹⁸² EU interviews 1, 3, 6, 7, 18.

⁹⁸³ Kissack 2010, 182.

⁹⁸⁴ For different norm-diffusion mechanisms of normative power, see section 2.2

others in the cases it has promoted. However, as this chapter noted, mere goal attainment does not tell much about the substance of these goals. The list of EU country cases was noted to be rather selective, avoiding focus on major powers, such as the US or China. The EU merely points to weaker countries in Africa or Asia, and often follows international agreements on these cases. This would not match with the normative power image, as several other human rights violations would need urgent attention. The EU should be more coherent in pointing to country situations, even if this would create opposition in others. This would make the EU a more credible normative power.

The EU has also been accused of dealing merely with easy questions at the HRC. However, even if the EU's more compromise-seeking behaviour can be criticized, from the normative power perspective such behaviour is not necessarily disapproved. Most essential would be to find a balance between the principled promotion of values and finding common ground with other actors. The EU's decreasing opposition against the adopted HRC resolutions could suggest that the EU has managed to use its diplomatic networks and shaped the final texts of the resolutions together with different partners. Hence, this could also be a sign of increased cooperation with others. The EU has also been successful in some controversial questions and has succeeded in building bridges even to the most difficult parties. This raises the question how normative action should be defined in this particular context. Is the defence of principles more important than the development of cooperative practices or vice versa? It is clear that the EU must set realistic objectives and be active in those issues which other actors find important, such as economic and social rights. This would also mean that the EU is better partner for others and sustains dialogue instead of forcing its own opinions on others.

The EU has also shown an example by supporting the HRC and its procedures, and by invoking the norms and standards developed in this forum. Especially relevant is the way in which the EU has empowered other states and non-governmental organizations in the HRC context. From the normative power perspective, contributing to the effectiveness of the HRC is important, as this role assumes commitment to international law and institutions as well as to a well-functioning multilateral system. Here the normative power role clearly meets its major challenges. Even if the EU has been able to support the HRC, it was also noted that some of the EU's procedures do not really support HRC effectiveness. First of all, strong united EU positions may create opposition in others and increase bloc mentality at the HRC. The EU's internal negotiations may exclude important allies and make the forming of cross-regional initiatives more difficult. Secondly, the EU must maintain coherence between external demands and internal human rights reality. The EU is keen to criticize others for their human rights problems, but less willing to talk about its own challenges in this area. This clearly decreases the credibility of its normative power role in the eyes of others. Thirdly, the EU's focus on some controversial human rights questions may freeze the atmosphere in the Council. Hence, the EU does not necessarily improve the effectiveness of the HRC by pointing at these questions. However, as a normative power the EU should raise its voice in the defence of universal principles, even if they are not supported by other actors.

The last thing is EU impact at the HRC; how well has the EU succeeded in changing the norms of others and shaping the discourse? If the EU is not able to influence others, it cannot play a normative power role. This chapter shows that the EU is a much more influential player at the HRC than previously thought. The EU and its member states have worked as initiators of relatively many

successful resolutions, and seldom objected the adopted HRC resolutions. These would clearly support the EU's normative power self-perception at the HRC. Furthermore, the EU has seldom objected to the adopted resolutions and in this respect there is a notable difference, for example, between the EU and the US. However, the NPE assumption that other actors would be eager to follow EU norms is not evident in the HRC context. The EU's norm promotion is easiest when there is already some agreement on the norms promoted among HRC members. Attracting others in controversial issues is far more difficult, if not impossible. Hence, the impact of the EU is closely related to its external acceptance, which cannot be studied merely by looking at the EU's actions. The next chapter goes beyond this internal perspective by studying the external perceptions of the EU at the HRC among different participants.

6.7 Chapter Conclusions

This chapter has offered an overview of the EU's performance in the UN Human Rights Council by considering EU relevance for its stakeholders, internal and external effectiveness, the EU's resource viability and efficiency. As a conclusion, the picture of EU performance is rather mixed and dependent on what aspect we are stressing. If EU performance is more related to its *being*, it seems that EU relevance, internally and externally, is considerably high. The EU is recognized as a legitimate participant, and the EU dimension has relevance. However, the relevance of the EU message, depends on its ability to find internal agreement, which does not just reflect the lowest common denominator between the EUMS. EU relevance for member states is also reflected in its internal effectiveness and unity. The EU's external effectiveness is more closely related to its *doing* and concrete achievements in diverse subject areas. The EU has been successful, for example, by reaching its stated objectives. Importantly, less and less resolutions are adopted against the EU's acceptance. In this respect, there is also a difference between the EU and the US. Of course, it needs to be remembered that this kind of success does not tell much about the substance of resolutions. The EU has also been able to activate a lot of resources relevant for the HRC context. However, when these resources and achieved outcomes are compared, it seems that the EU is still not realizing its full potential. In other words, the EU could do much more at the HRC, if its ambitions as a normative power are considered.

The framework conditions for EU action can be used to explain EU performance at the HRC. The EU has been able to develop its internal coordination to the extent that legal-institutional limitations do not severely hinder its performance. The EU member states have also shown considerable commitment to common positions, maybe boosted by the fact that collectively member states can achieve a louder voice and visibility. This chapter noted how a lower EU profile and active member state action might also lead to better performance. This is due to the challenging external political constellation. The EU has noted the need to find allies and co-sponsors for resolutions in order to avoid claims of regional bias and politicization. As a conclusion, the EU's external effectiveness and efficiency are clearly limited by external conditions, which deserve more attention. How others see the EU and its role ambitions influences EU possibilities to perform well. Interestingly, the external image of the EU remains the least investigated aspect of the EU's possible normative power role. The next chapter will examine how the EU's role is perceived by other HRC participants.

7 External Perceptions of the EU Role at the HRC

Studies concerning the global role of the EU have concentrated largely on examining how the EU envisions its role around the world with different partners. At the same time, only limited attention has been given to the external environment and non-EU perceptions of this role. However, according to role theory, an actor's roles are determined not only by the actor's own role conceptions but also remarkably by the *role expectations* of other actors⁹⁸⁵. Hence, when the EU's role in the world is studied, one must take into account how different external others perceive the EU and its actions. Since the early 2000s there has been a growing interest in studying the perception of the EU by outsiders, in different geographical locations and institutional contexts⁹⁸⁶. These studies can provide an important "reality check" for the EU's self-images and global ambitions. First of all, external perceptions can inform EU policy-makers about the legitimacy and relevance of the EU's presence⁹⁸⁷ and policy objectives. Secondly, others' views help to shape the EU's global identity and role. Thirdly, external perceptions are closely related to EU foreign policy effectiveness⁹⁸⁸ and hence, how others see the EU influences the ways in which the Union is able to conduct foreign policies.

There is often a considerable gap between an actor's self-representation and how it is externally perceived. This is important in the case of the normative power role, which has set out a rather inward-looking but ambitious foreign policy ideal. The normative power role was developed by European scholars, adopted by EU policy-makers, and mainly debated inside the EU⁹⁸⁹. Thus, studying the alter side of this role is highly relevant. The external perception of this particular role has not been much studied. However, the early (2002-2008) external perception studies reported a rather attractive image of the EU, where its outreach in normative power terms (as a promoter of democracy and human rights) was evident. Many studies have also recognized the EU as a possible counterbalance to the US.⁹⁹⁰ This kind of image has also been contested in several studies⁹⁹¹. Such variation suggests that external perceptions are issue-, location- and time-specific, which makes it difficult to generalize between policy areas or institutional contexts. The temporal dimension in studying external perceptions may also have considerable consequences on the results achieved⁹⁹². The actor's incoherence over time, disunity or unwillingness to invest resources may lead to the loss of credibility⁹⁹³. For example, perceptions of the EU's leadership role in the international climate policy have varied due to its mixed success in international negotiations⁹⁹⁴. This chapter studies how the

⁹⁸⁵ Elgström & Smith 2006a, 5.

⁹⁸⁶ See Lucarelli 2013; Chaban & Holland (eds.) 2014a; Bachmann & Müller (eds.) 2015; Chaban & Holland 2015. List of publications of one of these projects is also available at <http://www.euperceptions.canterbury.ac.nz> (accessed 14.7.2015).

⁹⁸⁷ The external relevance of the EU at the HRC was discussed in section 6.2. Input legitimacy refers to rightful membership or involvement of an actor in particular policy areas (see Elgström 2015, 3).

⁹⁸⁸ Even if Torney suggests that the correlation between positive external perceptions and policy effectiveness should be interpreted with caution, see Torney 2014, 1359.

⁹⁸⁹ Mayer & Zielonka 2012, 5.

⁹⁹⁰ See Elgström 2007, Chaban & Holland 2014b, 5.

⁹⁹¹ See for example Lucarelli 2007, 84; Lucarelli 2010; Lucarelli 2013, 236; Elgström 2006.

⁹⁹² Chaban and Holland note how most of the findings in this research field are made on the level of *micro histoire*, and as such, cannot provide any 'big picture' of the perceptions (Chaban & Holland 2014b, 4).

⁹⁹³ Elgström 2015, 3-4.

⁹⁹⁴ See Kilian & Elgström 2010; Bäckstrand & Elgström 2013.

EU's assumed normative power role is perceived at the UN Human Rights Council among different non-EU others.

Role expectations held by other actors may vary in the case of corporate actors such as the EU⁹⁹⁵. That is why perceptions of the EU held by its "others", such as other UN member states, regional organizations, human rights organizations and the HRC secretary, may be rather different⁹⁹⁶. This chapter is based on 40 expert interviews conducted during the time period of April 2013 to December 2014 in Geneva. The interviews were theme-based expert interviews, and they were conducted under the promise of anonymity. Snowball sampling and expert advice was used for the selection of states and organizations⁹⁹⁷. The hypothesis is that perceptions of the EU's role will differ among the interviewees, based on their normative closeness to the EU, historical experiences, power relations, and voting behaviour. The perceptions of others are reported in six different categories by concentrating on three main aspects of the normative power role; first, is the EU perceived as a promoter of universal values, working mainly by attracting rather than coercing others? Secondly, does the EU provide an example and leadership in the Council by acting in a coherent and credible manner? Thirdly, does the EU represent something different in comparison to other HRC participants, most notably the US?

7.1 Why Study the Alter Side of the Story?

There are several reasons to study what non-EU actors think about the EU's global role. First of all, external perception studies are able to inform us about the views of other actors, and help to form a more realistic and comprehensive understanding of the EU's role in the world. For example, Mayer and Zielonka underline the need for a new definition of the EU's role in world affairs that would reflect external perceptions and respond to them⁹⁹⁸. Definitions of the EU's global role have been largely based on its own self-representations. External perception studies can help to overcome such Eurocentrism⁹⁹⁹. Most importantly, external reactions may increase or diminish the legitimacy of specific roles, depending on how appropriate they are in the eyes of others. Legitimacy is important as it forms a source of social influence related to an actor's soft power¹⁰⁰⁰. If an actor's role is considered to be legitimate, it is easier to find allies and followers for policies that implement this role. The EU's claims to a normative power role with universal ambitions require external recognition and ideational legitimacy from other actors¹⁰⁰¹. If this role is accepted, the EU is more able to shape conceptions of normal.

Secondly, external perceptions are relevant in the construction of EU identity as identities are formed in the interaction between the self and others. External perceptions are often most influential when

⁹⁹⁵ Harnisch 2011, 8.

⁹⁹⁶ Interview themes and list of interviews can be found from the appendix 2.

⁹⁹⁷ Snowball sampling is defined as a technique for gathering research subjects through the identification of an initial subject who is used to provide the names of other actors. These actors may themselves open possibilities for an expanding web of contact and inquiry.

⁹⁹⁸ Mayer & Zielonka 2012, 5.

⁹⁹⁹ Bachmann & Müller 2015, 6.

¹⁰⁰⁰ Elgström & Chaban 2015, 21.

¹⁰⁰¹ Aggestam 2013, 465.

the identity of an actor is not yet mature, as in the case of the EU¹⁰⁰². According to Lucarelli, others serve three important functions in an actor's identity formation: they are those with respect to whom we claim distinctiveness, they provide recognition for our identity, and they provide external identification of our groups with a label and a geo-social space¹⁰⁰³. External perceptions can give essential feedback and the EU's responses to them may reconstitute the EU as a global actor¹⁰⁰⁴. Thus far, there has not been much research concerning the influence of external perceptions on the EU's identity/role dynamic. A precondition for such a dynamic is the EU's readiness to listen to what it's different others are saying. An actors' self-perceptions are often positive and they assume that others also view them as such¹⁰⁰⁵. Europeans easily conceive themselves as normative leaders and models for other regions¹⁰⁰⁶. This kind of identity construction is quite common in the case of collective identities as they aim to build consensus inside, rather than be directed externally¹⁰⁰⁷. However, there is often a considerable gap between an actor's self-representations and how it is externally perceived, which in the long run can diminish the credibility of an actor. One obvious reason for more pessimistic external EU perceptions is the EU's ambitious role rhetoric, which creates expectations in external audiences. If the EU is not able to answer to these expectations, the gap between capabilities and expectations starts to shape external perceptions. Hill noticed already in the 1990s how the expectations of other actors towards the EU increased more rapidly than its actual foreign policy capabilities, due to the EU's high-flying rhetoric.¹⁰⁰⁸ Also other scholars have suggested that the EU should use more realistic and less Eurocentric rhetoric¹⁰⁰⁹. For example, Mayer notes how the ever more ambitious rhetoric about the EU's global role may divert us from realistically assessing the requirements of EU foreign policy in the twenty-first century¹⁰¹⁰. In this sense, external perceptions may serve as 'early warning systems' for the EU¹⁰¹¹. Too high expectations quickly become a license for cynicism towards the EU's values or begin to highlight European weakness¹⁰¹². This cynicism can be reflected through 'expectations deficits' concerning EU activities. This relates to situations where outsiders do not believe that the EU could contribute much. The EU's credibility would be diminished, not only because of the limited availability of resources and means, but also because of EU inaction. Those countries with the highest needs may sometimes have rather pessimistic opinions concerning the EU's capability and willingness to help them. Hence, through ambitious rhetoric, the EU might actually increase frustration among its others and underline occurring weaknesses.

The third important reason to study external perceptions is related to their high relevance for EU policy performance and impact. As Lucarelli and Fioramonti note, what the world thinks of the EU is an important factor in facilitating or opposing the achievements of EU-sponsored policies¹⁰¹³. Positive external images are assumed to correlate with EU policy effectiveness. For example,

¹⁰⁰² Breuning 2011.

¹⁰⁰³ Lucarelli 2011, 149.

¹⁰⁰⁴ Manners 2012, 198.

¹⁰⁰⁵ Jervis 1976.

¹⁰⁰⁶ Mayer 2013, 7.

¹⁰⁰⁷ Della Sala 2013.

¹⁰⁰⁸ Hill 1993; 1998, 36-37.

¹⁰⁰⁹ Mayer & Vogt 2006; Mayer 2008.

¹⁰¹⁰ Mayer 2013a, 7.

¹⁰¹¹ Lucarelli & Fioramonti 2010, 2.

¹⁰¹² Dennison & Dworkin 2010, 11.

¹⁰¹³ Lucarelli & Fioramonti 2010, 2.

Elgström notes how the tendency to follow the EU increases if its policies are considered consistent and legitimate, and the Union can base its support on normative consent.¹⁰¹⁴ Also negative external images of the EU can complicate EU efforts and negotiations with third parties. In multilateral settings external perceptions have direct policy relevance¹⁰¹⁵ and these are reflected in the EU's role performance. It is important that the EU is perceived as a relevant participant that is invited to important negotiations and coalitions. However, Torney has challenged the assumption that the external effectiveness of an actor could be drawn from external perceptions. This is because the dynamics of particular policy spheres, as well as broader changes in the context of world politics matter too. Hence, according to him, the findings of perception studies need to be contextualized before drawing conclusions from them.¹⁰¹⁶ At the HRC, the relative significance of external perceptions is rather high, as this body is mainly based on dialogue and the search for mutual understanding. The EU's opportunities to influence at the HRC are limited, as it has a minority position while countries of the South make up the majority. Under these conditions, a positive external image seems to be a prerequisite for influence. It seems that external perceptions carry relevance especially in the case of those actors who traditionally have supported or opposed the EU. This is because the EU is more likely to listen to those who interact with it most often. In the case of opponents, the EU needs to consider carefully how to solve issues and find common ground. The reserved attitudes of the countries of the South do not necessarily affect EU policy outcomes if there are good reasons and incentives for finding an agreement. Overall, the dynamics at the HRC is likely to follow pre-existing logic and more stereotypical attitudes¹⁰¹⁷ among the participants.

7.2 Who are the EU's Relevant Others at the HRC?

When studying the external perceptions of the EU's role, it should be noticed that not all the other participants carry equal significance for reconstituting the EU's role. Wendt notes how for example power and dependence relations are important to acknowledge¹⁰¹⁸. Also Lucarelli claims that the degree of sensitivity to external images is dependent on the authority of these others, the salience of the issue area, and the degree of consolidation of the group's self-awareness¹⁰¹⁹. Hence, it can be claimed that the EU has more and less relevant others, also in the HRC context. The concepts of *significant others*, *relevant others* and *powerful others* are often used interchangeably in research literature to refer to those actors whose opinions about the EU matter most for its identity and role. In international relations these significant others cannot be selected randomly and they are often tied to past experiences of the role beholder.¹⁰²⁰ For example, the former colonies of EU member states can have a special status as the EU member states' others. In the case of authority and power the most

¹⁰¹⁴ Elgström 2007; 2015.

¹⁰¹⁵ Lucarelli 2013, 440.

¹⁰¹⁶ Torney 2014, 1369-1370.

¹⁰¹⁷ Chaban and Holland note how stereotypes are resilient in the long-term memory of individuals. These create prejudices, which on their part rationalize and further confirm stereotypical representations (Chaban & Holland 2014, 9-10).

¹⁰¹⁸ Wendt 1999, 327.

¹⁰¹⁹ Lucarelli 2011, 153.

¹⁰²⁰ Significant other can be for example a former colony, occupation power, or state which is most frequently mentioned in foreign policy documents (Harnisch 2011, 12).

relevant EU others are the so-called Strategic Partners, presenting key global and regional powers¹⁰²¹. Clearly the US deserves a special status when considering these others¹⁰²². As has been noted, the role of the US is central for the EU's normative power role status. However, the relevance of the EU's others also depends on the particular policy and issue area. In human rights policy this relevance is related, for example, to EU priorities, country cases or important alliances.

The more specific multilateral setting, in this case the HRC, determines whose perceptions should be investigated. In the HRC there are several possible ways to study external recognition of the EU's normative power role. Most perception studies have adopted a regional focus, but at the HRC regional groups are not decisive in issue specific questions. When perceptions of the normative power role are studied, the EU's others at the HRC should be divided by taking into account the extent to which they share the EU's interpretation of human rights norms. The EU norms are mainly shared in the wider West, and also remarkably in its Southern and Eastern neighbourhood¹⁰²³. However, policy based on normative power meets considerable challenges when confronted with countries that do not share the same interpretation of values. In the HRC these challenges occur when questions related to culture and religion, such as gender, sexuality, and political rights are considered. The Organization for Islamic Cooperation (OIC), the main political group for the Muslim countries, has often held quite different positions than the EU. These differences are also manifest in global value studies¹⁰²⁴, where perceptions of different countries, for example, towards homosexuality, premarital sex, and abortion are examined. It needs to be noticed that also many emerging powers, such as Russia, India, China and South Africa, are quite conservative in value questions when compared with EU countries. In general, it could be noticed that most EU members represent the liberal value extreme for the outside world¹⁰²⁵. These value positions also influence the EU's global human rights policy. Another noticeable aspect is the North-South-divide at the UN. The developing world is underlining the importance of social and economic rights, and claiming that the West does not give enough respect for them¹⁰²⁶. In the HRC this division becomes highly apparent, for example, in questions related to the right to development, racism and attitudes towards foreign debt.

All this suggests that power considerations, relations of dependence, and normative (dis)agreement are factors which must be taken into account when external perceptions of the EU role are studied at the HRC. Mattlin has made useful a division between the EU's different others by classifying them into prospective future accession countries, other small/weak countries, countries that broadly share the same political values and norms, and other major countries that do not share the same political values and norms¹⁰²⁷. These different others are likely to differ in their perceptions of the EU, which

¹⁰²¹ The term 'strategic partner' is ill defined in EU usage. It refers to countries whose diplomatic position in the eyes of the EU is considered higher. The EU's strategic partners are countries such as Brazil, Canada, China, India, Japan, Mexico, Russia, South Africa, South Korea and the US.

¹⁰²² See Aggestam 2006, 19.

¹⁰²³ The normative power role is also regionally relevant in this particular case, see Larsen 2014a, 906.

¹⁰²⁴ World Value Survey & Global Attitudes Project.

¹⁰²⁵ See for example the Pew Research Center's 2013 Global Attitudes survey which has studied the views of 40,117 respondents in 40 countries, <http://www.pewglobal.org/2014/04/15/global-morality/>

¹⁰²⁶ According to Donnelly this is a myth created by the uncritical acceptance of the self-representation of the socialist bloc and Third World regimes in the West. Even if the conditions for this myth have changed, it has still important contemporary practical implications. (Donnelly 2013, 252-253)

¹⁰²⁷ Mattlin 2010, 8.

is also reflected in their voting behaviour. Gowan and Brantner have categorized actors according to their voting patterns at the UN human rights fora into four different groups: Wider Europe (align with EU positions), Liberal Internationalists (align with the EU in more than half the cases), Swing voters (align with the EU in 35-50% of cases) and Axis of sovereignty (align with the EU in less than 35 % of cases)¹⁰²⁸. Here these two ideas are combined and perceptions of the EU role are studied in four different groups:

- 1) **EU Allies**, referring to Western countries, which share the EU's norms and human rights interpretations and most often vote in a similar manner to the EU
- 2) **Moderate countries**, which broadly share the EU's human rights positions and often co-operate with the EU. However, they might also at times differ from EU positions.
- 3) **Former colonies/developing countries** that have strong dependence relations with the EU/EUMS, and often prioritize economic and social rights debates at the HRC.
- 4) **EU Opponents**, referring to strong actors, who are eager to defend the sovereignty of states. These countries are also openly critical towards the EU's norm interpretations and consistently vote against EU positions.

However, UN member states are not the only relevant EU others in the HRC context. That is why two additional categories are also examined in this study:

- 5) **Human rights organizations**, active and important EU partners
- 6) **The UN secretary members**, working on HRC related issues

The group of Allies consists of UN member states that often represent the same kind of positions and values at the HRC as the EU. These countries come from the wider Europe and West, and mainly belong to Western European and Other States group or the Eastern Europe group. Most notably, an increasing number of countries from the EU's neighbourhood align with EU positions, and usually also vote with the EU¹⁰²⁹. Even if countries in this group mainly agree on values and aims, the EU's normative power image may not be evident. This is because in the Western world the EU is perceived as a political partner, not necessarily a normatively different or superior actor¹⁰³⁰. The normative power role may have more relevance in the Eastern neighbourhood and in EU candidate states. The relevance of the Allies' perceptions of the EU is based on their closeness to the EU; the EU must be highly sensitive to the views of its closest partners in order to maintain their support.

The second group, the Moderate countries, broadly share human rights interpretations with the EU, but they also have differing views, which makes alliances more issue-dependent. Most of the countries in this group are GRULAC¹⁰³¹ members. As part of the South, their position at the Council is difficult because they need to balance between the concerns of the North and the South. According to previous studies, Latin American countries, for example Mexico, perceive the EU as a fundamental actor in the defence of human rights, democracy and multilateral institutions. They are also quite accepting towards the EU's "moral leadership" on the international scene.¹⁰³² The perceptions of this

¹⁰²⁸ Gowan & Brantner 2009b, 4.

¹⁰²⁹ It is possible to see which governments align with EU positions for example by looking at EU statements at the HRC, see http://eeas.europa.eu/delegations/un_geneva/eu_statments/human_right/index_en.htm

¹⁰³⁰ Larsen 2014a, 905.

¹⁰³¹ Regional Latin American and Caribbean Group at the UN. In this regional group there are also important EU opponents, such as Cuba and Venezuela, which could not be considered as normatively moderate from the EU perspective.

¹⁰³² Chanona 2010, 130; Carta 2010, 213; Dominguez 2010.

group are important because they are in a key position when the EU aims to build alliances. These countries can make a difference, especially when the HRC resolutions end up going to a vote.

The third group represents voices from former African and Asian colonies of individual EU member states. This group reflects the senses behind an asymmetric North-South distribution of power. The delegations of these countries in Geneva are small and their resources are scarce, which means that their representatives interact with the EU also in other IOs. Most of these countries have closer ties with individual EU member states than the EU-delegation¹⁰³³. Thus, it is not clear how much the EU and its member states are separated in their perceptions. Some of the EU's human rights positions may be considered to reflect neo-colonial attitudes, and there may be a rejection of the EU's paternalistic interference in their affairs¹⁰³⁴. This is evident when the EU applies human rights clauses to partnership agreements. The memory of a colonial past may also contribute to creating expectations of compensation and disappointment when the EU action does not fulfil their needs¹⁰³⁵. The EU's normative power might be generally read through a neo-colonial lenses¹⁰³⁶. However, the EU is an important financial supporter, which may improve the EU image, and decrease willingness to criticize it. Perceptions of this group are important because they are often the main objects of the EU's norm promotion efforts. As Sicurelli notes in her study of the African Union's (AU) perceptions of the EU; the EU should improve its image as an equal partner and positive model in order to overcome its label as a colonial power, and to compete with emerging powers that are getting increasingly active in Africa¹⁰³⁷. China, for example, has been viewed as a credible alternative to Europe in the African quest for development¹⁰³⁸. China does not set similar conditions for its aid and avoids taking the 'patronizing' attitude of Europeans.

The fourth group consists of UN member states that more openly oppose EU positions in the HRC, and often do not share its human rights priorities and interpretations. This group is regionally diverse, and also includes one regional organization. EU resistance is evident when examining the HRC voting records, even if they cannot tell everything about the relationship between these countries and the EU. In general, countries in this group are eager to defend their sovereignty, and this is one obvious reason for objecting to the EU's initiatives. But there are also differences in prioritizing and interpreting human rights between the opponent group and the EU. These powers may also be considered to compete for the leadership role of the HRC. From the normative power perspective these countries provide a remarkable challenge for the EU's norm-diffusion efforts. It is likely that the Opponents do not support the normative power role assumptions, but rather perceive them as an

¹⁰³³ This was evident in most of the interviews in this group. One country representative said that they have refused to negotiate with the EU delegation, because they do not know the persons there. Quite often important negotiations are conducted in capitals.

¹⁰³⁴ Bayoumi notes this as one of the key elements in Egyptian views of the EU. (Bayoumi 2007, 333.) Also Elgström notes how fears of exploitation and the perceived patronizing *besserwisser* EU attitude have influenced the EU-ACP economic partnership agreement negotiations (Elgström 2011, 145-146).

¹⁰³⁵ Sicurelli 2010, 180.

¹⁰³⁶ Larsen 2014a, 905.

¹⁰³⁷ Sicurelli 2010, 192.

¹⁰³⁸ About role competition and uncertainty between emerging powers, the EU and the US in trade and development nexus, see Ahnliid & Elgström 2014.

expression of Eurocentrism¹⁰³⁹. By listening to what these actors think about the EU is relevant as they represent and drive a highly different agenda at the HRC.

Besides specific UN member states' perceptions, human rights' organizations perceptions of the EU's role at the HRC are also included in this thesis. Quite surprisingly, the more specific perceptions of the civil society have not been examined much in previous perception studies¹⁰⁴⁰. Human rights organizations are important EU partners at the HRC and the EU organizes regular meetings with them in Geneva¹⁰⁴¹. The support for human rights defenders (individuals, but also NGOs) is a long-established element of the EU's human rights policy¹⁰⁴². These organizations can provide information, determine priorities, and enact EU programs. The assumption is that these organizations evaluate the EU in rather positive terms. According to previous research, civil society organizations mainly see the EU as an important ally, especially in the area of democratization and human rights. The Union is perceived to be able to bring positive changes at local destinations.¹⁰⁴³ It has also been noted how governmental stances are often related to more practical concerns, while civil society organizations are often attracted to normative issues¹⁰⁴⁴. However, human rights NGOs may have high expectations concerning EU action, and they may be more critical towards its actual performance and impact. The sample includes the most relevant human rights organizations working in the HRC¹⁰⁴⁵. Because the large human rights organizations, such as Amnesty International and Human Rights Watch, are of Western origin, human rights organizations from other regions (Africa, Middle East, Latin America, and Asia) were also included. It needs to be noted that some of the human rights organizations have a general focus, while others work on more specific issue areas. Their focus may influence their views on the EU's role.

As chapter five demonstrated, the EU represents itself as a strong supporter and contributor to the UN human rights machinery. The sixth group consists of HRC Secretary Staff, whose opinions can support or detract from the EU's contributor role. Institutions themselves often have specific role expectations concerning participating actors. Because of the EU's high profile and resources in human rights, it can be assumed that there are also considerable expectations towards the EU's role. The UN and the EU are presented in UN reports as natural partners who together are able to contribute positively to several global issue areas¹⁰⁴⁶. The UN-EU cooperation is also strengthened through the fact that the EU and its member states are the largest financial contributors to the UN system. These actors represent more independent EU others.

¹⁰³⁹ Larsen 2014a, 905.

¹⁰⁴⁰ An exception is, for example, Andreatta & Doerr 2007. However, civil society perceptions have also been studied as part of wider opinion studies.

¹⁰⁴¹ The EU and NGOs meet before HRC regular session and UPR sessions. Here they can present their priorities and information concerning the countries or thematic issues coming to HRC consideration.

¹⁰⁴² See http://eeas.europa.eu/human_rights/defenders/index_en.htm

¹⁰⁴³ Andreatta & Doerr 2007, 393.

¹⁰⁴⁴ Bayoumi 2007, 339.

¹⁰⁴⁵ The EU-delegation's expert dealing with civil society relations listed their major NGO partners. The human rights organizations themselves were asked to name the most relevant actors at the Council.

¹⁰⁴⁶ The ninth annual Partnership Report "Saving and Improving Lives" 24.10.2014, see <http://www.undp.org/content/brussels/en/home/library/partnership-reports/saving-and-improving-lives--un-eu-partnership-report-2013/>

7.3 External Perceptions of the EU Role

This section studies how the EU's different others perceive the EU's normative power role. Before that, a few important clarifications must be made. First, when we are studying *perceptions*, it should be acknowledged that these provide a more *subjective* understanding of the state of affairs. Hence, these perceptions cannot be used as objective criteria for making conclusions about the EU's role. This is because perceptions are complex constellations of meaning, shaped by a number of interacting factors¹⁰⁴⁷. In order to explain why particular actors hold such and such perceptions, another extensive study would be needed. There is not much theoretical literature that could help in this kind of task¹⁰⁴⁸. However, the specific relations to the EU, cultural contexts, history, political reasons and previous experiences with the EU may explain why the participants perceive the EU as they do. Secondly, external perceptions of the EU do not represent official country or organizational positions, but rather the opinions of those who have worked closely with the EU. It is even possible that their views sometimes contradict with the official country statements held by the capitals. The idea is to provide some external testing for the normative power role aspects. The third remark is related to the ways in which this testing could be done. Perceptions of the EU's normative power role have been studied only as a part of wider perception studies. The variation in the achieved results suggests that there are many ways to interpret this kind of role. This research focuses on three key aspects of this kind of role:

- 1) Do other actors perceive the EU *principles and action* to reflect the ideal type of normative power? Mainly, is the EU seen as a *supporter and defender of universal (UN) norms*? Secondly, is the EU perceived as a *non-coercive* actor that bases its human rights action mainly on socialization through *persuasion, argumentation* and the *conferral of prestige and shame*?
- 2) The second theme considers the EU's impact and its *leadership through example* at the HRC. As a leader, the EU should have *clear objectives and solutions*, which could be realized through its *resources of power* (here mainly ideational, but also economic power). Leadership would also demand working as *an active initiator* and *agenda-setter* at the HRC. The leadership position would benefit from good *negotiation skills*. Hence, it is relevant to study if the EU seen is as constructively *engaging in dialogue* with others, as well as encouraging *understanding* and *agreement* among HRC participants. Furthermore, *coherence* and *credibility* are important when the EU aims to lead through its example.
- 3) As the EU's normative power role is constructed through claiming *difference*, it is important to pay attention to how other actors perceive the EU in comparison with other HRC actors. As chapter two on normative power noted, the EU's normative power role is constituted by claiming difference with the US. The EU is often described as a more multilateral, engaging and soft actor. However, the US is also an important partner and ally for the EU at the HRC, and shares its Western value interpretations. It is possible that other actors do not really see a difference between these two actors, but point to differences between the EU and more normatively distant others. It also needs to be noted that the EU and the US may also compete

¹⁰⁴⁷ Chaban & Holland 2014b, 8.

¹⁰⁴⁸ Lucarelli 2013, 440.

for soft power¹⁰⁴⁹ and leadership of the HRC. This might sometimes make it more difficult to find common agreements and drive forward shared projects at the HRC¹⁰⁵⁰.

The findings will be reported by following the group divisions; first the perceptions of other UN member states representatives are examined, by looking at the opinions of ally, moderate, developing and opponent countries. After that, the perceptions of human rights organizations and the UN secretary interviewees are introduced.

1) The EU in the eyes of its allies¹⁰⁵¹

The EU's allies recognized the EU's normative power role in the sense that the EU is highly supportive of international human rights standards and the main institutions, such as the ICC, the UN, and the Council of Europe¹⁰⁵². According to one interviewee, the EU "plays a role of reference in promoting the universal value of human rights"¹⁰⁵³. The EU's unique normative identity was, for example, considered to be most evident in the fight against death penalty¹⁰⁵⁴. The EU was also perceived as being able to invoke human rights norms with several non-coercive measures, such as partnership programs, enlargement options, diplomatic demarches, and bilateral dialogues¹⁰⁵⁵. One respondent mentioned that "the EU is the best bloc in the sense that they really want to advance human rights and they are the best delegations to be honest in their work"¹⁰⁵⁶. Despite the possible normative power role observed by this group, all the interviewees saw that economic power and national interests still play an important role in the EU's human rights approach. Interestingly, one interviewee also mentioned how sometimes individual EU countries are trying to bring down the normative element in the EU's action¹⁰⁵⁷. This is why another interviewee doubted whether the EU dimension is even needed to make deals: "if common EU position is the lowest common denominator between the member states, it is not evident that it helps human rights".¹⁰⁵⁸ The EU's ability to persuade others was seen as being related more to its size as a bloc. The allies group mainly perceived the EU as a less attractive partner because it excludes others from its coordination and is not able to accommodate their views afterwards.¹⁰⁵⁹ One interviewee also mentioned how the EU "has the self-perception that it is the moral high ground". This makes it difficult to come to a compromise.¹⁰⁶⁰ According to allies, the EU should deliver its position and rationale more actively with various like-minded countries from different regional groups¹⁰⁶¹.

¹⁰⁴⁹ Karen Smith sees the EU as the main soft power competitor for the US. This competition may also lead to confrontations in global arenas. (Smith K. 2014a)

¹⁰⁵⁰ One of my interviewees mentioned how the US is most concerned about and frustrated with the common EU approaches, as it would prefer to work individually with particular EU member states, external interview 37.

¹⁰⁵¹ This group consists of six interviews, external interviews 1, 18, 21, 30, 35, 37.

¹⁰⁵² External interviews 1, 18, 30.

¹⁰⁵³ External interview 1.

¹⁰⁵⁴ External interview 30.

¹⁰⁵⁵ External interviews 18, 30, 35, 37.

¹⁰⁵⁶ External interview 37.

¹⁰⁵⁷ This was mentioned to be the case when big EU countries start to think about their political priorities or smaller EUMS bloc issue-specific positions related, for example, to abortion.

¹⁰⁵⁸ External interview 21.

¹⁰⁵⁹ External interviews 18, 21, 35, 37.

¹⁰⁶⁰ External interview 18.

¹⁰⁶¹ External interviews 1, 18, 30.

In the eyes of its allies, the EU leadership role divided opinions. Some thought that the EU was able to show leadership, for example, through its own human rights model, including a legally binding Charter of Fundamental Rights¹⁰⁶². The EU was also considered to be skilled to transform its model, most notably to the Eastern neighbourhood and the Balkans.¹⁰⁶³ According to allies, the EU is very prominent at the HRC in the sense that it speaks on every single issue, delivers opinions, and follows processes. Furthermore, the EU was mentioned by some to be highly active in organizing side events and other informal discussions.¹⁰⁶⁴ These opinions clearly support an active EU role. However, the EU leadership was perceived as being more related to specific issues, where united EU positions are reached¹⁰⁶⁵. One interviewee also mentioned that with so many EU member states at the HRC, the EU should be much more influential¹⁰⁶⁶. The EU leadership was seen as also being restricted by the HRC composition, consisting of many EU opponents. Some interviewees said that the EU's colonial past creates opposition in the developing world.¹⁰⁶⁷ EU credibility was also mentioned as being diminished because of its double standards in relation to country cases and because of some internal EU problems, such as the treatment of minorities and migrants.¹⁰⁶⁸

This group agreed that the EU is different when compared with other HRC participants. For some allies the EU appears as a normative power when compared with the US and Russia, which have adopted strong and even threatening attitudes¹⁰⁶⁹. These differences were crystallized in some thematic issues, such as the death penalty, while in some other cases, like the Middle East, there was more congruence. Even if the EU was seen as being loud -spoken in several issues, it was not considered to go very far with its claims and take strong positions like the US. The EU's more moderate position was seen to be apparent mainly in the HRC voting.¹⁰⁷⁰ It was also mentioned by one interviewee that "the EU is better to fence human rights ideas as it is able to form more rounded, consensus seeking arguments to reach other blocs".¹⁰⁷¹ The US was seen as more able to win tough issues and in that sense the US was seen to play the defensive agenda better at the HRC. It was also mentioned by one interviewee how the EU is unable to handle difficult themes and acts "as if these issues would not exist"¹⁰⁷². Such behaviour makes the EU weaker in the eyes of its allies.

2) Moderate countries and EU role perceptions¹⁰⁷³

This group saw the EU as an important promoter and protector of human rights. However, most of them also noted how the EU mainly drives civil and political rights, whereas EU states are not that

¹⁰⁶² External interviews 1, 30.

¹⁰⁶³ External interviews 18, 30.

¹⁰⁶⁴ External interviews 30, 35, 37.

¹⁰⁶⁵ External interviews 18, 30, 35, 37 Internal EU dynamics was also considered to hinder EU leadership possibilities.

¹⁰⁶⁶ External interview 21.

¹⁰⁶⁷ External interviews 35, 37.

¹⁰⁶⁸ External interview 30.

¹⁰⁶⁹ External interviews 18, 21, 35.

¹⁰⁷⁰ Here it was mentioned how the EU abstains more often while the US votes against (see also section 6.3). However, it was also mentioned that individual EUMS may still adopt extreme positions, external interviews 18, 35.

¹⁰⁷¹ External interview 37.

¹⁰⁷² External interviews 18.

¹⁰⁷³ This group consists of five interviews with "moderate countries" from the GRULAC, external interviews 9, 14, 17, 20, 24.

eager or united in questions concerning economic and social rights¹⁰⁷⁴. For example, one interviewee noted how the right to development, dear to the developing world, was a difficult theme for the EU¹⁰⁷⁵. Two interviewees underlined the EU's strong agency in controversial human rights themes, which make the EU more unpopular in the HRC¹⁰⁷⁶. In the eyes of moderate countries, EU action was mainly seen as value-based, and according to one interviewee, the dominance of values in the EU approach makes it a "superpower of values"¹⁰⁷⁷. This image was considered as also being related to how the EU promotes these values. Many interviewees thought that the EU highlights universal law and international standards, instead of coercive (military) measures¹⁰⁷⁸. The EU's soft approach also makes it more persuasive in the eyes of others¹⁰⁷⁹. However, the EU was not considered a persuasive partner because of the perceived complexity of its internal decision-making. Respondents in this group complained how difficult it is for them to know who is internally in charge, as the EU does not inform outsiders. In the eyes of moderate country representatives, the EU does its cooperation in secrecy, and it is not at all transparent how its positions are formed. Sometimes outcomes are quite surprising and this makes the EU an unpredictable ally.¹⁰⁸⁰ The way the EU treats its potential partners was criticized. As two interviewees mentioned, there is not much dialogue, for example when the EU delivers its opinions and offers "take it or leave it option".¹⁰⁸¹

The EU's influential role in the HRC was considered as being based on its own example as a progressive human rights region by many interviewees.¹⁰⁸² Even if the EU influence was considered to being limited by the institutional and political factors apparent at the HRC, most moderate country experts thought that the EU has all the potential to lead at the Council¹⁰⁸³. However, the potential leadership of the EU is diminished because of its internal divisions and incoherencies. According to most interviewees, the EU merely adopts the lowest common denominator positions in some cases and refuses to handle more difficult and dividing issues¹⁰⁸⁴. The EU's way of communicating in the Council also raised some concerns among the moderates. The EU mainly blames others, most often developing countries, and also treats similar cases differently. In the case of important countries, such as China and Russia, the EU does not raise human rights issues at all.¹⁰⁸⁵ This kind of selectiveness does not increase EU credibility. The EU should also be more open to listen to criticism pointed at its own problems, such as anti-terrorism measures, migration, and the treatment of Roma people. Two interviewees also mentioned that the EU or its member states do not criticize other Western states, or the human rights situations in EU member states during the Universal Periodic Review process¹⁰⁸⁶. These incoherencies decreased EU credibility and example in the eyes of others.

¹⁰⁷⁴ External interviews 14, 17, 20, 24.

¹⁰⁷⁵ The closer relations of this group to developing countries in Africa were also emphasized, external interview 14.

¹⁰⁷⁶ For example in the promotion of LGBTI rights and family related issues, external interviews 9, 20.

¹⁰⁷⁷ External interview 24.

¹⁰⁷⁸ External interviews 9, 17, 24.

¹⁰⁷⁹ It was, for example, mentioned that the EU is more honest than other Western powers, most notably the US, external interviews 14, 24.

¹⁰⁸⁰ External interviews 9, 14, 20, 24.

¹⁰⁸¹ External interviews 14, 24.

¹⁰⁸² The EU was, for example, praised for the space it can offer for civil society organizations, developed European HR institutions, and advanced human rights law, external interviews 9, 20, 24.

¹⁰⁸³ External interviews 9, 17, 24.

¹⁰⁸⁴ For example item 7 issues and Libya was mentioned, external interviews 14, 17, 20, 24.

¹⁰⁸⁵ External interviews 9, 17, 24.

¹⁰⁸⁶ External interviews 9, 20, 24.

Differences between the EU and the US were recognized in this group. However, these two actors were also seen to be similar in many respects. They both were mentioned to use a lot of rhetoric and double standards in their policies. Many interviewees noted that the EU and the US also represent a similar position in the majority of cases and during voting.¹⁰⁸⁷ The relevance of the EU-US partnership was also underlined by two interviewees: the EU will lose its positions if it cannot get US support¹⁰⁸⁸. The US was clearly perceived to have an important role in the HRC, and these two powers were also considered as competitors. The EU benefit was seen as being related to its many voices and continuous presence in the Council through its member states¹⁰⁸⁹. One interviewee mentioned that the US uses human rights to further its political interests. The EU is a more “honest” and less “antagonist” human rights defender.¹⁰⁹⁰ According to another interviewee, the EU can sometimes act like the US if interests are high. However, in general, the EU was perceived as less willing to coerce others.¹⁰⁹¹ It was also noted how the EU can benefit from the support of other European non-EU members who represent the European human rights tradition. However, at times the EU was seen as too eager in overstretching the “western opinion”. This may not work because Switzerland and Norway do not necessarily follow the EU. They can still build bridges between the EU and others.¹⁰⁹²

3) How do developing countries perceive the EU’s role?¹⁰⁹³

The picture of the EU as a promoter of universal human rights norms was challenged by the developing countries. Differences in interpretation and prioritization of rights with the EU were evident in this group. The main difference, repeated in the interviews, was neatly summarized by one respondent: “the EU has this kind of hierarchy of rights, where political and civil rights come first. But we consider all human rights as equal, and this is already stated in all the UN Charters and Treaties”¹⁰⁹⁴. Difficulties to also find an agreement with the EU on cultural and traditional issues were recognized by most of them¹⁰⁹⁵. The developing countries considered the EU as a normative power in the sense that it is able to shape norms and standards in other countries, and it largely relies on values¹⁰⁹⁶. However, the EU power was not considered as being based solely on ideational factors. The economic resources of the EU, as well as structural factors, were perceived to contribute essentially to the EU’s influence in human rights issues¹⁰⁹⁷. According to developing countries, the EU places much importance on human rights concerns, which becomes evident for example in its

¹⁰⁸⁷ External interviews 9, 20, 24.

¹⁰⁸⁸ External interviews 9, 20.

¹⁰⁸⁹ External interview 20, 24.

¹⁰⁹⁰ Even if individual EUMS differ in this respect; some EU members have a more honest and credible human rights policy, while others, mainly the UK and France, were seen to be strong and less willing to make compromises, external interview 14.

¹⁰⁹¹ External interviews 17, 24.

¹⁰⁹² External interviews 9, 20.

¹⁰⁹³ This group consists of nine interviews with developing country representatives, external interviews 2, 10, 11, 12, 13, 19, 22, 26, 29.

¹⁰⁹⁴ External interview 19.

¹⁰⁹⁵ Differences were related to sexual orientation, gender roles, marriage, family issues and circumcision, external interviews 10, 12, 22, 26, 29.

¹⁰⁹⁶ External interviews 10, 11, 12, 22, 26.

¹⁰⁹⁷ For example, the EU position as one of the largest financial contributors to the UN was mentioned. Several interviewees referred also to the EU development aid and to bilateral special relations between individual EU countries and their former colonies, external interviews 2, 10, 11, 12, 13, 29.

(EU/EUMS) foreign policies¹⁰⁹⁸, in EU policies within multilateral organizations¹⁰⁹⁹, in the amount of issues discussed¹¹⁰⁰, and in EU cooperation agreements¹¹⁰¹. However, at the same time, many interviewees recognized how economic and political interests play a role in several cases¹¹⁰². According to one interviewee, the HRC can provide a litmus test of how much importance human rights really have in EU foreign policy¹¹⁰³. The EU's persuasiveness was related to its ability to provide economic incentives for the developing countries in the realization of human rights objectives. The EU was, for example, praised for its help in building the capacities of developing countries to face human rights challenges and developing more independent positions at the HRC¹¹⁰⁴. However, it was also mentioned by many interviewees of how the EU's influence and credibility is diminished when it sets political conditions for its aid for third states. Sometimes the EU was also seen to misuse the conditions set for giving aid when it is not eager to help some state. At the same time the setting of conditions increases the power of other actors in developing countries, most notably the power of China.¹¹⁰⁵

According to the developing countries, the EU can be a leader through its example, based on European human rights institutions, mechanisms, law and practices¹¹⁰⁶. One interviewee mentioned how the EU is represented as "a paragon of virtue", and the tendency is high to see the EU as an example¹¹⁰⁷. Another interviewee said "the EU can play moral leadership in the Council"¹¹⁰⁸. However, EU leadership by example has several problems in the eyes of developing countries. Generally, the EU's credibility as a human rights leader is diminished because of the colonial past. It was, for example, reminded by some that the EU has committed the gravest human rights violations in history, and it should bear this in mind when it aims to lead and criticize others¹¹⁰⁹. The EU's negotiation skills were also evaluated rather negatively. The EU was not perceived to have much dialogue with others. Instead most interviewees mentioned how the EU lectures to others and points at their failures¹¹¹⁰. According to one interviewee "our relationship is still very similar than in the colonial times, they are the masters..."¹¹¹¹. The main message in several interviews was that the EU should develop its capacities of listening to others and consolidating positions. The EU's credibility as a human rights example was also decreased because of its internal human rights problems. For example, the growing amount of racism and xenophobia all over Europe and the inhuman treatment of migrants in European entry points were mentioned in many interviews.¹¹¹² If the EU wants to be an example for others it should, according to this group, fix its own problems first. Another thing that has relevance for EU credibility in the eyes of the developing world are internal EU divisions, which according to

¹⁰⁹⁸ External interview 10.

¹⁰⁹⁹ External interview 29.

¹¹⁰⁰ External interviews 10, 26.

¹¹⁰¹ External interview 12.

¹¹⁰² External interviews 2, 12, 13, 22.

¹¹⁰³ External interview 29.

¹¹⁰⁴ External interviews 11, 19.

¹¹⁰⁵ External interviews 10, 11, 13, 19.

¹¹⁰⁶ External interviews 10, 13, 22, 26.

¹¹⁰⁷ External interview 29.

¹¹⁰⁸ External interview 13.

¹¹⁰⁹ External interviews 11, 13.

¹¹¹⁰ External interviews 2, 10, 11, 13, 22, 26.

¹¹¹¹ Here special reference to the UK, France and Germany was made, external interview 13.

¹¹¹² External interviews 11, 12, 13, 19, 26.

interviewees can present “a new form of imperialism inside the EU”¹¹¹³, diminish internal EU democracy¹¹¹⁴, and provide only the lowest common denominator approach¹¹¹⁵. Even if most interviewees thought that the EU is more influential with a common position, this approach was perceived as creating more tensions in the work of the HRC¹¹¹⁶.

Even if the US and the EU present the rich West in the eyes of the developing world, the EU seemed to have a more neutral reputation among my interviewees. First of all, these two differed in respect to thematic issues¹¹¹⁷. The EU was perceived by several interviewees to have more fundamental human rights positions in many issues¹¹¹⁸. More obvious differences were related to the measures with which these powers drive their human rights agenda at the HRC. The US was considered to coerce others with different kinds of threats, while the EU was mainly seen as reluctant to use direct coercion towards others.¹¹¹⁹ It was also mentioned that the US uses human rights as a political tool, by linking issues outside the Council to its demands, whilst the EU adopts such measures only on rare occasions¹¹²⁰. One interviewee also perceived the EU as a more flexible and constructive negotiation partner in bilateral relations¹¹²¹. According to another interviewee “the US does not care what others think, it does not need others’ help or approval. The EU is more sensitive on issues”¹¹²². Despite these differences, the positions of the EU and the US were also seen as closely related. Interestingly, two interviewees claimed that EU positions have been subordinated to US views at the HRC, and only recently has the EU developed a more independent, own voice¹¹²³. The EU’s possibilities to influence and lead were considered as being tied to the US; the EU must always find synergies with the US¹¹²⁴. The difference aspect was not only related to the US. Developing countries also mentioned several normative competitors for the EU: for example Cuba and China, who are able to use the “soft power” approach and value rhetoric to persuade others¹¹²⁵.

4) The EU’s role in the eyes of its opponents¹¹²⁶

The EU’s opponents did not generally support the view of the EU as a value-led actor. One interviewee mentioned how “the EU would like to project this kind of image, but it does not work in practice”¹¹²⁷. The EU was seen to act according to its political priorities and interests, like other actors. For example economic interests were mentioned to trump values in EU action.¹¹²⁸ In this group, the

¹¹¹³ External interview 26.

¹¹¹⁴ External interviews 12, 19.

¹¹¹⁵ External interview 19.

¹¹¹⁶ External interviews 2, 10, 22, 26, 29.

¹¹¹⁷ Thematic differences noticed were water issues, Israel-Palestine questions, racism.

¹¹¹⁸ For example EU attitudes to climate issues, death penalty, and LGBTI rights, external interviews 10, 12, 26, 29.

¹¹¹⁹ It was for example mentioned that the US goes directly to capitals and pressures individual experts to vote according to their preferences, external interviews 12, 13, 26.

¹¹²⁰ Here, the UK was mentioned as a political power player, external interviews 12, 13, 22.

¹¹²¹ External interview 29.

¹¹²² External interview 13.

¹¹²³ External interviews 12, 26.

¹¹²⁴ External interviews 19, 26, 29.

¹¹²⁵ One example of influence mentioned was education programs for students, external interview 13.

¹¹²⁶ This group consists of four “EU opponent” interviews, external interviews 3, 4, 6, 27.

¹¹²⁷ External interview 6.

¹¹²⁸ This was evident in the EU’s selection of country cases, and during the UPR, external interviews 4, 6, 27.

disagreement concerning the interpretation of human rights norms was evident. History, culture, and religion were mentioned as important factors explaining the differences¹¹²⁹. The EU was not perceived as a promoter of universal norms, instead opponents criticized the EU for imposing its human rights norms on others, and then presenting them as the only right ones¹¹³⁰. The EU was seen as most active in the promoting of civil and political values. However, the EU was not perceived to have much interest to act on issues important for the developing countries¹¹³¹. Furthermore, the EU's focus on individual rights, instead of community rights, was criticized by some interviewees¹¹³².

The EU's opponents generally noticed the important role of the EU in the HRC, but the EU was not considered to be a leader. Opponents mentioned other big powers, such as the Organization for Islamic Cooperation (OIC), the US, China, Russia, South Africa and Cuba, which are able to challenge the EU.¹¹³³ It was also mentioned by one interviewee that "the EU takes only passive, not active positions"¹¹³⁴. Several factors were mentioned, which diminished the EU's possibilities and credibility to play a leadership role. First of all, the EU divisions were seen to diminish its consistency¹¹³⁵. Secondly, the EU's style of communicating with others was criticized; the EU mainly blames others, while the EU is reluctant to discuss its own problems, such as migration, at the Council¹¹³⁶. Some of the opponents thought that the EU desires dialogue, whilst others criticized the EU for the lack of reciprocity. One interviewee said that there is no reason for having a dialogue, because EU representatives refer to their limited competencies to handle EU member states' problems¹¹³⁷. Thirdly, the EU was seen to criticize third countries in an incoherent manner¹¹³⁸. The EU was also accused of the strategic use of human rights concerns in some situations. For example, in the eyes of some interviewees the human rights conditionality provides an excuse not to give aid to other states¹¹³⁹.

The EU was considered to differ from other actors mainly because, as a political group, it has mandated the EU to act on behalf of its member states¹¹⁴⁰. However, one interviewee said: "the EU cannot show its members the value of collective positions. It can only show the lowest common denominator positions".¹¹⁴¹ The difference between the EU and the US was not perceived to be very obvious. The US was seen as a clear and strong actor, able to lead at the Council. The EU's objectives were not considered to be as clear and transparent because of its internal negotiations.¹¹⁴² Their similarity was also underlined; one interviewee mentioned how "the EU and the US often act in

¹¹²⁹ External interview 3.

¹¹³⁰ External interview 4, 6.

¹¹³¹ Interviewees referred, for example, to different economic and social rights, foreign debt, migrant workers, and religious minorities, external interviews 3, 6, 27.

¹¹³² External interviews 3, 6.

¹¹³³ External interviews 3, 4, 6, 27.

¹¹³⁴ External interview 6.

¹¹³⁵ External interviews 6, 27.

¹¹³⁶ External interviews 3, 6, 27.

¹¹³⁷ External interview 27.

¹¹³⁸ Cases mentioned were the UPR of Saudi Arabia and China, external interviews 6, 27.

¹¹³⁹ External interview 6, 27.

¹¹⁴⁰ External interviews 4, 6, 27.

¹¹⁴¹ External interview 6.

¹¹⁴² External interviews 4, 6.

similar lines and appear as a one bloc”¹¹⁴³. According to opponents, these two actors still differ in the ways in which they act. Interestingly, one interviewee said how “there is a tendency that the EU acts more like the US. It used to be much a more honest and credible power. Now it is more about the economic and political agenda of the EU”¹¹⁴⁴. Differences between the two were noted during voting, when the EU more often abstains in difficult cases¹¹⁴⁵. In some cases the EU was mentioned as being more committed to human rights concerns and UN procedures than the US¹¹⁴⁶.

5) How do human rights organizations perceive the EU role?¹¹⁴⁷

In this group, the EU’s normative power role divided opinions. On the one hand, the EU’s high commitment to UN bodies, principles and instruments was recognized. It was also noticed that the EU is a highly active and engaged actor at the HRC. For human rights organizations the EU represents a defender of universal human rights standards agreed at the international level. The EU is considered to offer strong positions against those states that are hostile to human rights.¹¹⁴⁸ However, the normative power role was also seen to be more in Europe than in the EU as such¹¹⁴⁹. Overall, human rights organizations thought that the EU can deliver more principled positions through individual member states. On the other hand, the EU’s ability to persuade other countries at the HRC was considered to be limited because the EU is composed of several former colonial powers¹¹⁵⁰. It was also noted how the EU or individual member states often have more principled stances on human rights issues, while the common EU approach may only provide the minimum standards¹¹⁵¹. In this sense the EU’s common voice may diminish its normative power role. Furthermore, the EU’s most evident weaknesses noticed by this group is the way it communicates with others. The EU mainly gives lessons for others, and has difficulties in selling itself as a partner. According to human rights organizations, the EU should be able to act as a trustworthy partner, not a kind of “big muscular Europe” and learn to listen to others’ concerns¹¹⁵². The EU is also seen as quite inflexible and unable to mediate because of its complex internally reached agreements¹¹⁵³. Another problem mentioned in these interviews was the EU way to bloc other actor’s initiatives and add nasty amendments to their resolutions. Even if this was considered to be necessary, it creates a bad atmosphere in the Council.¹¹⁵⁴ As one interviewee put it: “the big challenge for the EU in the future is to be a principled actor, but at the same time not to polarize the debate too much”¹¹⁵⁵.

In the eyes of human rights organizations, the EU region presents a strong model for others with its regional human rights system, high standards, active NGOs, and public opinion. However, according

¹¹⁴³ External interview 4.

¹¹⁴⁴ External interview 27.

¹¹⁴⁵ External interview 4.

¹¹⁴⁶ Here the UPR process of Israel was mentioned, external interview 3.

¹¹⁴⁷ This group represents the views of 13 human rights organization representatives (interviews 5, 7, 8, 16, 23, 28, 31, 32, 33, 34, 36, 38, 39).

¹¹⁴⁸ External interviews 5, 7, 8, 16, 28, 36.

¹¹⁴⁹ Here Norway and Switzerland were mentioned as particularly important examples, external interview 8.

¹¹⁵⁰ External interviews 5, 34.

¹¹⁵¹ External interviews 5, 8, 16, 28, 32, 36.

¹¹⁵² External interviews 7, 8, 23, 33, 34, 36.

¹¹⁵³ External interviews 28, 34, 36.

¹¹⁵⁴ External interviews 34, 36.

¹¹⁵⁵ External interview 8.

to this group, the EU has not been particularly good at leadership at the HRC. As one interviewee noted, “action in the HRC is much about agenda-setting, and the EU has always been bad at this”¹¹⁵⁶. It was, for example, mentioned how the EU does not take up new issues, which is disappointing when many human rights situations in the world would demand urgent attention¹¹⁵⁷. The EU was also considered to be a slow and reactive force, rather than actor that provides a strong agenda¹¹⁵⁸. The EU’s lack of strategic vision and planning is the main thing that seemed to frustrate human rights organizations¹¹⁵⁹. Another issue is the EU’s unwillingness to deal with difficult cases.¹¹⁶⁰ According to one interviewee, for example “the EU’s incapability of dealing with the Arab Spring could be the greatest failure of the EU in its more recent history”¹¹⁶¹. However, the EU leadership was also considered to depend on issues, and internal EU policies and agreements were seen to matter much. According to human rights organizations, the EU has to improve its policy coherence – between Brussels and Geneva, but also between its human rights guidelines and field operations¹¹⁶². Furthermore, the EU was seen as reluctant to or incapable of dealing with its own human rights questions at the HRC¹¹⁶³. According to one interviewee “the EU seems pathologically incapable of having a proper discussion about anything to do with refugees or migrants. It directly becomes defensive... This defensiveness makes the EU an easy target for other countries”¹¹⁶⁴. However, most of the human rights organizations mentioned the EU’s leading role as a defender of civil society space and organizations. Here the EU was considered to be the only actor that really facilitates the NGOs and has a dialogue with them.¹¹⁶⁵ In general, the EU is only a potential leader in the eyes of human rights organizations. It was also mentioned that the EU does not necessarily even need to lead the Council; according to one interviewee, the EU could *facilitate* communication and support others from a backseat position. Several moderate countries could benefit more from this kind of EU role.¹¹⁶⁶

In this group, the difference between the US and the EU was not emphasized as much as in other groups. Human rights organizations mainly considered both actors, the US and the EU, as occupying the “right side” on the battle for human rights. Many interviewees saw the US as more proactive and able to make changes¹¹⁶⁷. The EU was not considered to be eager to take strong positions and adopt leadership in the Council¹¹⁶⁸. However, the US was not seen as engaged to the HRC procedures and more generally to UN mechanisms. Here the EU’s role was to counterbalance the US and other strong actors.¹¹⁶⁹ One interviewee noted that the EU clearly has more in common with other countries than the US, mainly because of the colonial past. This gives it a lot of soft power and related influence, which the US does not have.¹¹⁷⁰ It was also noted that the US’s credibility is diminished because of

¹¹⁵⁶ External interview 28.

¹¹⁵⁷ External interview 7.

¹¹⁵⁸ External interviews 7, 16, 28, 39.

¹¹⁵⁹ External interviews 7, 16.

¹¹⁶⁰ External interviews 7, 28.

¹¹⁶¹ External interview 28.

¹¹⁶² External interviews 7, 8, 28, 36.

¹¹⁶³ External interviews 16, 23, 28, 32.

¹¹⁶⁴ External interview 16.

¹¹⁶⁵ External interviews 8, 23, 28, 31, 33, 34, 36, 39.

¹¹⁶⁶ External interview 23.

¹¹⁶⁷ External interviews 7, 28, 32, 33, 36, 38.

¹¹⁶⁸ External interview 7, 16, 32, 34.

¹¹⁶⁹ External interviews 32, 33, 39.

¹¹⁷⁰ External interview 5.

serious inconsistencies in the area of torture, prison conditions, and the death penalty¹¹⁷¹. The EU was perceived to be less threatening, as it does not coerce others or present the extreme Western opinion¹¹⁷². However, it was also noticed how other actors benefit from this: “It is so easy to defeat the EU and others use its weakness”¹¹⁷³. In this sense, the EU’s softer approach may actually weaken its influence at the HRC.

6) The EU through the eyes of the UN¹¹⁷⁴

The EU’s strong human rights focus was recognized by UN personnel. According to one interviewee “the EU really defends principles, values and its positions in these matters”¹¹⁷⁵. However, it was also mentioned how “the EU finds it more comfortable to speak about values than rights”¹¹⁷⁶. The EU’s prioritization of human rights was not considered to be evident in each and every case. According to one UN expert, “it is not always clear that human rights are the key objective of the EU”¹¹⁷⁷. Another interviewee complained how “the high EU officials have not shown their face in Geneva. If the EU sends someone, almost an irrelevant person, this is a clear sign of not taking human rights work seriously”¹¹⁷⁸. Another thing that clearly divided the opinions of the interviewees was the EU’s commitment to the UN and multilateral working methods. Interestingly, EU attitudes towards UN procedures were not considered to be very supportive by two interviewees¹¹⁷⁹. One interviewee thought that the EU/EUMS are really supportive of the UN mechanisms and can deliver funding and extra resources when needed¹¹⁸⁰. This difference could be explained by the different positions of the interviewees in the HRC Secretary. The EU was not considered to be a very attractive partner for others. One complaint, for example, was how the EU is too complex and divided, and how others find it difficult to understand its working methods¹¹⁸¹. It was also mentioned how the EU does not care about others’ ideas and is not willing to finance their initiatives¹¹⁸². However, it was also noted that “the EU probably has much worse perception to what it actually is”¹¹⁸³.

The EU’s leadership claims were associated with its identity, good human rights records, and efficient institutions by this group. However, the EU’s internal dynamics were perceived to confuse and diminish its efforts. One interviewee underlined that the lack of communication (internal and external) is the main problem of the EU at the HRC¹¹⁸⁴. According to another, the EU does not have

¹¹⁷¹ External interview 32.

¹¹⁷² Canada, Australia and the US were seen to represent the “extreme West”, external interviews 5, 38.

¹¹⁷³ External interview 38.

¹¹⁷⁴ This group consists of three HRC secretary member interviews (interviews 15, 25, 40).

¹¹⁷⁵ The fight against racism and defamation of religion were mentioned especially as exemplary cases where the EU has not compromised its values (external interview 40).

¹¹⁷⁶ External interview 25.

¹¹⁷⁷ External interview 25.

¹¹⁷⁸ External interviews 15, 25.

¹¹⁷⁹ The case of Israel UPR was mentioned as a case in point (external interview 15). The EU was also not supportive of the Advisory Committee, as it wants more independent experts. The EUMS were also mentioned to be “outrageous” with special rapporteurs. The EU’s support for the Complaints procedure was also doubted (external interviews 15, 25).

¹¹⁸⁰ External interview 40.

¹¹⁸¹ External interviews 15, 25, 40.

¹¹⁸² External interview 15.

¹¹⁸³ External interview 40.

¹¹⁸⁴ External interview 40.

time for introspection because it spends too much time in internal coordination. The EU position was seen as being reduced with the common approach. Previously some EU member states were considered to have had a highly progressive agenda, while nowadays they were seen to follow only general EU positions.¹¹⁸⁵ Two interviewees also mentioned that the EU has high ambitions and rhetoric, but then nothing happens¹¹⁸⁶. When it comes to external communication, the EU was seen to be an “arrogant actor” that mainly blames others and “shows no empathy”¹¹⁸⁷. One thing that was considered to diminish EU leadership through example was the way in which some EU countries had treated UN Special Rapporteurs¹¹⁸⁸. This was related to EU attitudes towards its own human rights difficulties, such as migration issues and the popularity of far right parties, which the EU does discuss at the Council. For example one interviewee mentioned that “human rights start at home, this is something the EU should learn”¹¹⁸⁹.

In this group, the difference between the EU and the US was not highlighted so much. However, their approaches to other countries were seen to be different. The EU was perceived to use its power in less visible ways, and it was not considered to be so loud about its successes. One interviewee reminded how the EU had been able to work in the Council before the US joined it¹¹⁹⁰. The US was considered a “mega power”, always aware of what it wants. The US was seen to pressure capitals and basically tell others what it wants them to do.¹¹⁹¹ The EU was not seen to work in such a manner. The US was also seen as a very powerful and clear actor at the HRC, through which it was able to make more changes¹¹⁹². The situation is quite the contrary for the EU, according to one interviewee “there is no clear EU positions to anything...and it takes forever before it reaches some kind of position”¹¹⁹³. The US was also seen as keen to maintain its individuality at the HRC by promoting distinct positions and explaining them carefully in each occasion, even if it works only as an additional sponsor of resolution¹¹⁹⁴. According to one interviewee, the EU is a more progressive actor, which aims to work in issue areas that are “in the interests of all players” (economic and social rights), and which the US often opposes. In this respect, the EU was considered as a possible bridge-builder by also tackling issues like torture, fight against terrorism, racism and conflict situations. In this sense the EU is “a very strong initiator, even stronger than the US”.¹¹⁹⁵ All the UN interviewees thought that the US uses human rights for reaching its political objectives. In this respect, it was thought that “the EU should not follow the US too much, but have their own say”¹¹⁹⁶. Some EU countries were also considered to follow US positions too much. Despite the negative evaluations of EU support for the UN, one interviewee underlined how the EU and its member states are still more consistent and

¹¹⁸⁵ External interview 15.

¹¹⁸⁶ External interviews 15, 25.

¹¹⁸⁷ External interviews 15, 25.

¹¹⁸⁸ Here the special rapporteur of education in Germany and special rapporteur of housing in the UK were mentioned as cases (external interviews 15, 25).

¹¹⁸⁹ External interview 15.

¹¹⁹⁰ External interview 40.

¹¹⁹¹ External interviews 15, 25, 40.

¹¹⁹² External interview 25.

¹¹⁹³ External interview 15.

¹¹⁹⁴ External interview 25.

¹¹⁹⁵ External interview 40.

¹¹⁹⁶ External interview 15.

reliable financial supporters of the UN. In the case of the US, the finance was seen to be always highly dependent on domestic politics and in this sense unsure.¹¹⁹⁷

7.4 The EU's Normative Power Role in the Eyes of Others

Larsen notes how studying the external perceptions of the EU could provide the missing link between the EU's normative power role claims and the reality of this role¹¹⁹⁸. This chapter has provided such a "reality-check" for the EU's self-image. In order to be a normative power, the EU cannot merely proclaim this role; it should also be recognized by others. Interviews with the EU's external others in the HRC context are able to inform about the actual recognition of this kind of EU role. According to these perceptions, the picture of the EU as a normative power is rather mixed. While some aspects of this role are evident, others are met with suspicion or even denial. The findings support the assumption that external perceptions differ among different others. Not surprisingly, normative power role claims were better accepted among those actors who are normatively closer to the EU, while EU opponents contested such a role¹¹⁹⁹. However, there were also important similarities in the views of different others. These more "common external perceptions" are highly beneficial in explaining why the EU succeeds in having impact at certain times and not in others. These perceptions may be highly beneficial in reconstructing the EU's global role in human rights. In the following, some general conclusions concerning the external perception of the EU's normative power role are provided.

In the eyes of others, the EU is seen to represent a normative power in the sense that it is recognized as a supporter and defender of universal (UN) human rights norms and institutions. The EU was also mainly seen as an active and dedicated participant at the HRC. When the EU's defence of universal principles is considered, one problem is that the EU prioritizes civil and political rights, which decreases its legitimacy in the eyes of the Global South. Developing countries were eager to represent themselves as real advocates of universal and indivisible human rights. The EU opponents criticized the EU way of presenting its human rights interpretation as the only universally valid. This shows how the discursive context is highly important at the HRC, and how other UN members aim to challenge Western interpretation of rights¹²⁰⁰. Here some controversial questions related, for example, to the freedom of religion and belief, family concepts and freedom of expression caused divisions. In these cases EU interpretations do not represent the opinions of the UN majority and the EU cannot easily persuade others to follow its opinions. According to moderate states, the EU actually diminishes its normative power role by working too loudly on controversial issues. These differences in the interpretation of human rights also have a long history¹²⁰¹. They remind that the EU's normative power role becomes more contested when it is practiced in a global context, such as the UN. Even if the EU claims that it is not promoting European but universal values, it aims to legitimate the pre-existing standards of human rights. However, those countries that oppose EU efforts are more willing

¹¹⁹⁷ External interview 40.

¹¹⁹⁸ Larsen 2014a.

¹¹⁹⁹ This is also in line with previous research findings, see for example Bengtsson & Elgström 2011.

¹²⁰⁰ See Larsen 2014b, Gowan & Brantner 2008.

¹²⁰¹ For differences in interpretation of rights see section 3.2 and for problems in EU interpretation see Patomäki 2013, 87-88.

to redefine these norms, for example, by taking into account the cultural particularities and rights of communities instead of individuals.

The EU image as a value-led actor was mainly supported by its allies, moderates and human rights organizations. The EU was, for example, called a “superpower of values”, suggesting that its main way to influence others is through values. Developing countries and EU opponents were also more inclined to see economic and security interests behind the EU’s human rights agenda. When the normativity of EU behaviour was considered, the EU was generally perceived as rather reluctant to use coercive measures against other actors. The EU approach was perceived to be rather soft, cooperative and engaging among the interviewees. This kind of image supports the EU’s self-perception as a normative power. However, the EU’s ability to diffuse norms by persuading others was also seen to be limited for many reasons. Others did not see the EU as a persuasive partner because of its internal complexity and inflexibility. This image was also highly predominant among EU allies, moderate states and human rights organizations. The lack of real dialogue between the EU and its possible partners was underlined, even if the situation was considered to be improving. The countries from the Global South criticized the EU for imposing its positions on others and adopting conditionality. Despite the obvious normative power potential, the EU image is negatively affected by the inequality apparent in these partnerships¹²⁰². Thus, the EU’s normative efforts are, like before, still seen through the neo-colonial lens¹²⁰³. Several interviewees from the developing countries underlined the EU’s need to develop its capacities to listen to others.

In order to be a normative power, the EU should also succeed in providing leadership through its example at the HRC. The EU’s leadership role divided opinions among the interviewees. This leadership was recognized in specific issue areas, such as in the inclusion and empowerment of the NGOs and in particular country resolutions. The EU was also seen as an active contributor to formal and informal HRC debates and events. However, in general the EU was not seen as a self-evident leader of the Council. The representatives of human rights organizations criticized the EU for the lack of new initiatives and clear vision¹²⁰⁴. Many interviewees mentioned how the EU is a rather reactive force and its positions may reflect the lowest common denominator between the EU states. This kind of positioning was not considered to be a sign of leadership, or reflect the combined potential of the EU and its member states. Expectations towards EU action at the HRC are high, and the interviews with human rights organizations and UN personnel clearly demonstrated that the EU has not been able to meet all of them. The EU approach also suffers from several inconsistencies, which decrease the EU’s credibility and legitimacy in the eyes of others. One of the most evident weaknesses mentioned was the EU’s incapability to handle difficult issues. The EU was also claimed to selectively point to other countries, focusing mainly on weaker non-European countries. According to others, the EU’s criticism should also be pointed towards strong countries such as Russia, China, Saudi Arabia, Israel and EU allies in the West. Human rights organizations hold the view that the EU

¹²⁰² This has also been obvious in other studies concerning the ACP countries perceptions of the EU, see for example Brantner 2010, Bengtsson & Elgström 2011 and 2012.

¹²⁰³ See Larsen 2014a, 906-907.

¹²⁰⁴ Here it should be noted that knowledge about the EU priorities at the HRC among the EU’s others was very low. This supports previous findings according to which knowledge of the EU (concerning internal EU policies) among others is low, see Chaban et al. 2013.

should demand high standards, even when it is faced with challenging and important partners that do not share its value interpretations. This would make it a more credible human rights power.

The EU's difference formed the third relevant aspect of examination and encouraged comparisons between different HRC participants. Interestingly, most interviewees draw differences between the EU and the US, which supports the view that the EU's normative role is crystallized in comparisons with other actors¹²⁰⁵. According to the views presented, the roles of the EU and the US are closely intertwined at the HRC. For the non-Western participants, these two actors represent the perspective of the wealthy, rich and liberal states. In this respect, the EU's others might not see a big difference between the goals of the EU and the US. However, the EU enjoyed a more neutral reputation at the HRC among the interviewees. The difference between the EU and the US in the eyes of others is predominantly based on their different methodology to promote human rights. The EU was considered to be a softer and more compromising actor, which increasingly aims to find common ground with others' positions. It was also mentioned that the EU may use sanctions and conditionality as a part of its human rights approach, but it does not directly force other states in a similar manner as the US. The EU was also appreciated as a more honest and cooperative partner, which respects multilateral working methods and UN procedures. Despite the negative evaluation of the EU's communication methods and arrogant ways to lecture to others, external others still thought that the EU is more sensitive to others' opinions than the US. These observations also support previous findings according to which the EU is perceived as a strong supporter of human rights at the UN because the US "is so bad"¹²⁰⁶. Strong US positions and pressure make others less willing to cooperate with them. In this respect several interviewees said that the EU should not imitate the US but further its independent positions.

However, the observed differences also raised some less positive features of EU action. For example, in the eyes of human rights organizations, the US is a clearer and more decisive actor, able to win difficult cases. This kind of actorness was considered to be beneficial at the HRC. Thus, the more compromising and soft EU attitude may turn out to be its weakness in the eyes of others. The US clarity also explained why some interviewees appreciated its actions and partnership more than the EU's. The EU was mainly considered a complicated actor that others find difficult to understand. Another important aspect related to EU difference was that the assumed normative example was seen to refer to wider Europe, not only to the EU example. This suggests that the EU's normative power example is not unique¹²⁰⁷. For example, Norway and Switzerland were mentioned in many interviews as visible and positive contributors to HRC work. According to one interviewee "Norway is highly respected among developing countries as it is good at listening to others"¹²⁰⁸. Interestingly, Norway and Switzerland were seen as more constructive and engaging powers, which are able to accommodate the needs of their partners. These non-EU members of Europe are able to work in a more flexible manner with different partners, as EU coordination does not hinder their action. Quite the contrary, their more normative role could be facilitated by this coordination. This finding is

¹²⁰⁵ Keene 2013.

¹²⁰⁶ Brantner 2010, 172.

¹²⁰⁷ Keene 2012.

¹²⁰⁸ External interview 4.

relevant, as it points to the underexplored relation between images of the EU and images of Europe¹²⁰⁹. In general, the EU's ability to provide an example for others could refer to wider Europe.

Despite the differences drawn between Western powers, the interviewees also noted other possible competitors for the EU. For example, representatives from the developing states mentioned the competing value positions presented by Russia, China and Cuba at the HRC. Cuba was seen as persuasive as it counters Western dominance. According to one interviewee "Cuba does what we others would like to do" referring to Cuba's role as an "antagonist" at the HRC¹²¹⁰. When the EU concentrates on blaming third countries and lecturing to them on human rights standards, it is perceived as a threat and other states find it necessary to combine their forces to resist the EU. China and Russia do not set similar political conditions for their aid, which makes them more persuasive partners in the eyes of the developing world. The credibility of the EU's normative example was considered to suffer from the setting and using of different conditions. In this respect the EU's normative power role is limited, not because of the rejection of these norms, but because of the EU way in which the EU aims to spread these norms.

7.5 Chapter Conclusions

The EU's self-image as a normative power underlines, for example, the EU role as a defender of universal norms and institutions. This role perception also underlines the EU's differences in comparison to other actors, most notably the US. However, in order to understand the EU's role in the world also the alter side of the story needs to be examined. In order to understand how the power and role of the EU is perceived, the shift of focus from the EU to the world the EU engages with is essential. This chapter took such a step by examining how the EU's different others at the HRC perceive the elements of the EU's assumed normative power role. First, this chapter summarized various reasons for studying external perceptions of the EU. It is rather evident that knowledge concerning external images has high policy relevance. However, the feedback of external audiences is also crucial for reconstituting the EU's identity and role in the world. Secondly, this chapter introduced different kinds of EU others in the HRC context. It was noted that perceptions of the EU may differ among these others, depending, for example, on others' normative closeness to the EU but also because of power relations. On this basis, six different groups of the EU's others were formed: EU allies, moderates, developing countries, EU opponents, human rights organizations, and UN representatives. Thirdly, perceptions of the different aspects of the EU's normative power role, namely the defence of principles through non-coercive means, EU leadership, and difference in comparison to other actors, were studied following this group division.

External perceptions of the EU's role differed in the groups studied, but there were also interesting similarities. This chapter underlined the usefulness of the "common external perceptions" found. Most notably, in the eyes of the EU's others the EU's human rights practices and institutions were respected as a model for others. In this sense, the EU was noted to carry a normative power role at the HRC. Furthermore, the EU's promotion of human rights was not considered to reflect purely normative behaviour. Secondly, the EU's leadership, often related to its normative power role, was

¹²⁰⁹ Lucarelli 2013, 439.

¹²¹⁰ External interview 13

seen to materialize in some issues, while in general the EU was perceived to be only a potential leader. Several problems related to EU action, such as inconsistencies in dealing with country cases, inability to discuss European problems, and lecturing to others, made it a less credible and coherent normative power in the eyes of others. However, the EU was still perceived to differ from others actors, most notably the US. When these two actors were compared, the EU was mainly seen to provide a less coercive and soft approach to human rights, which may work both as an asset and as a disadvantage at the HRC context. However, according to external partners, the EU's softness can also reflect weakness and decrease the EU's influence at the HRC.

As a conclusion, the EU's normative power self-image is only partially mirrored in the perceptions of its different others at the HRC. Clearly the EU's normative power role has more support among those actors who mainly share the EU's norm interpretations, while actors with different norm preferences usually contest such a role. However, this norm contestation may be restricted to particular human rights issues. More importantly, in the HRC external political factors precondition the EU's possibilities to exercise its normative power role. Hence, the EU's objection or rejection of its norms is not necessarily related to the substance of these norms, but to the EU's more general position in global politics. From this perspective, changes in world politics have a great influence on the HRC proceedings and are able to create limitations, but also windows of opportunity, for the EU role as a normative power.

8 Discussion: the EU's Normative Power Role at the HRC – Confirmed, Resisted and Reformulated

This thesis has studied the role of the EU at the UN Human Rights Council from the normative power perspective. Examining the EU's normative power role claims in policy areas where this role has particular relevance and appeal is a highly important exercise, as it provides concrete information on the reality of this role. The EU aspires to play a frontrunner role in human rights, and shape the discourse on these norms. However, such a EU role is currently challenged in many respects. The case of the HRC can demonstrate the limits and opportunities of the EU at the global level. In the Council the legitimacy of human rights principles is negotiated, and the use of more coercive forms of power, such as military or economic power, is restricted or even impossible. HRC decision-making is mainly based on consensus, and in case of disagreements, the majority wins. As the EU represents a minority position in this body, it must find agreement with other actors. Furthermore, in order to be effective and efficient, the EU must be persuasive in the eyes of third parties.

This thesis can be considered as a part of the “third-wave” in normative theorizing on the EU, which aims to engage critically with the concept¹²¹¹. It suggests a new strategy for studying the normative power role of the EU; role theory perspective is combined with the normative power idea. Role theory emphasizes how roles are constructed in the interaction between an actor and its different others. Underlining this co-constitution is highly important in the case of the normative power role because this role is often considered to represent a self-declared ideal-type, eagerly adopted by EU policy-makers to mark a positive attitude towards the EU¹²¹². Through role theory, which points at three elements of roles: self-perceptions, role performance and external prescriptions, it is possible to study the EU role in a more comprehensive and less introspective¹²¹³ manner. The self-perception reflected in the EU rhetoric does not necessarily match with the EU's actual performance. In general, the external normative impact of the EU has been rather difficult to judge. The EU is considered capable of playing a role of “regional normative hegemon”¹²¹⁴, but outside Europe and its nearest neighbourhood, this role might receive less acceptance. The success of the normative power idea is also closely tied to specific historical periods and circumstances, which have evolved since the launch of the concept. As the preconditions for the normative power role in the world have changed, it is time to reconsider the recognition of such an EU role.

One possible and promising way to examine the appeal of the normative power role is to look at those global forums where the EU aspires to promote such an image. The UN provides an important reference point for the EU's human rights policy, and EU success in this organization is essential in order to gain a reputation as a more global human rights power. The EU and its member states have invested much energy and finance in UN activities, and aspire to “lead by model and example”. The empirical part of this thesis (Chapters 5-7) examined the EU role at the Human Rights Council. First the focus was on the EU's self-perception, then on its role performance, and finally on the external

¹²¹¹ Whitman 2013, 173.

¹²¹² Forsberg 2011a, 1187; Bickerton 2011, 26.

¹²¹³ Fisher-Onar & Nicolaïdis 2013.

¹²¹⁴ Haukkala 2011.

perceptions of the EU's role. In the following each role aspect is considered separately, and the relevance of the findings for the normative power role is discussed. However, before that some general remarks concerning the relevance of the normative power perspective for studying the EU's human rights policy is considered. This chapter concludes by providing a few scenarios for the future EU role in human rights and in the HRC.

8.1 Normative Power Role in EU Human Rights Policy

This thesis has demonstrated how the normative power Europe idea, first developed by Ian Manners in 2002, can be beneficial in describing and explaining the EU's role in global human rights governance. The construction of the EU role in human rights is closely related to its more general role as a normative power, as such powers seek legitimacy through norms. Chapter 2 introduced the historical background for the EU's normative power role debate, and outlined the main elements of this role. The normative power role was interpreted as an ideal-type, which the EU can more or less approximate. As a normative power, the EU should promote more universal norms through non-coercive measures. Secondly, the normative power role was seen to underline the EU difference in comparison to other actors, most notably the US. Even if the EU's claimed distinctiveness has been challenged both theoretically and empirically¹²¹⁵, it continues to play an important role in the EU's self-perception. Thirdly, the normative power role was noticed as being closely related to the legitimacy of the EU's principles and practices. It is important that this role receives the acceptance of possible norm-takers. However, it was also noted how this role, like other roles, is related to specific a historical time and events. The post-Cold war period marked increasing attention to normative questions and facilitated the increasing EU role in these policy areas. The context has changed, and the EU's normative power role has become far more difficult to legitimize. Other actors do not necessarily perceive the EU example and norms as attractive as the Union assumes.

The external human rights policy provides a key area for the EU to practice its normative power role. However, as Chapter Three outlined, the EU role in this area is rather new, and it shares this interest with other European organizations, such as the Council of Europe. Hence, it is not clear whether the normative power role refers to the EU or to Europe more widely understood. If the EU aims to approximate an ideal type of normative power in human rights, the EU needs to promote more universally accepted principles, it must act in a non-coercive manner, and it should succeed in achieving normative impacts in others. The key EU objective is to defend the universality of human rights. However, as this universality is increasingly contested by some states, the EU also faces serious challenges. For example, the idea that traditional, religious or cultural values could undermine universal human rights standards is against the EU agenda. It also more directly endangers some of the EU's human rights priorities, including the rights of women, children and LGBTI people. Even if the EU's definition of human rights is inspired by wider regional and international standards, which provide important legitimacy, the EU also has its own peculiarities. The EU's interpretation differs from other geographical regions and in some respects from the wider West. In the first respect, secular interpretation of rights underlines, for example, the importance of freedom of religion and belief and freedom of speech and expression. Both of these are highly contested rights at the global level. In

¹²¹⁵ See for example Lucarelli 2013, 429-430.

comparison to the US, the EU interpretation focuses on economic and social rights, but also on the prohibition of the death penalty. As a conclusion, the EU's export of human rights norms does not necessarily find support among different others.

The EU instruments used in human rights promotion should also be considered from the normative power perspective. As a normative power, the EU should use non-coercive measures, such as dialogue, cooperation and engagement instead of more restrictive and hard power instruments. The EU's human rights practices may support this kind of interpretation on a general level. Important forums for the use of soft instruments, such as persuasion, engagement and conferral of prestige and shame, are international institutions. The UN Human Rights Council provides an important forum for the EU because it is the leading political forum for the global human rights debate and decision-making. Chapter 4 introduced the HRC and studied the preconditions for EU performance. It was underlined how important it is to acknowledge those legal-institutional and political factors, which enable and limit EU participation and performance. At the HRC the EU has ambitious objectives, but at the same time there needs to be a realistic perspective to what the EU can achieve. It was also noted how the Lisbon treaty, and the following more strategic approach to human rights give impetus for rethinking the EU's role. As the EU aims to be a more coherent, effective and efficient actor in human rights, the use of a wider variety of instruments and approaches seems more likely. In order to be more effective, the EU is increasingly underlining the value of its bilateral negotiations with different parties. This is not necessarily harmful for the EU's multilateral commitments. However, if the EU finds it difficult to achieve success in multilateral human rights forums, its interests towards them could diminish. Efficiency refers to practices that are able to produce more concrete and fast results. Short-term efficiency does not necessarily lead to long-term effectiveness. The normative power role would suggest that the changes the EU is able to make in promoting human rights norms take more time and can be proved and evaluated only in a longer timeframe.

Finally, the normative power role can be claimed to be the "silver thread" in the EU's external human rights policy. It manages to demonstrate the *normative* aspects of the story. From the EU perspective, the EU *should* play a more prominent role in the global governance of human rights. These normative concerns originally created a strong EU role and presence in this area within a relatively short period of time. This new EU human rights role also needed views of otherness or difference, and hence the creation of counter-roles¹²¹⁶. In the area of human rights, the difference between the EU and the US was not so easy to express because of their similar emphasis on individual, liberal rights. However, the example of the EU campaign on the abolition of the death penalty, used by Manners in the original article, pointed to differences between the EU and the US. Furthermore, the unilateral period of the US, evident in its campaign against the HRC and the ICC, supported such differences. However, in the eyes of others, the EU and the US role might not differ that much. Both of these actors share similar values and human rights positions when they are compared to more different global others. The US, with its more active and committed human rights role at the UN since 2009, might actually be an important role competitor for the EU. The willingness to lead and provide example for other regions is apparent in the self-perceptions of both actors. Even more likely is that they form a strong

¹²¹⁶ Harnisch 2011, 10-12.

coalition against those actors who represent a different kind of norm interpretations in the multilateral forums. The real and visible difference in these organizations is drawn between the West and the rest.

8.2 The EU's Self-image: Confirming the Normative Power Role

The self-understanding of the EU was presented as one of the most essential factors shaping its role in world politics. That is why it provided the starting point for empirical research on the EU's role at the HRC. The EU's self-image as a normative power is often taken for granted. However, role theory draws attention to the fact that even dominant roles may be internally contested, and they may be interpreted in different ways. Chapter 5 examined the EU's self-perception at the HRC by studying both the official role expressions and unofficial role perceptions of EU and member states' human rights experts. The historical perspective demonstrated how the EU's role claims at the HRC have been rather stable. Generally, the data confirmed the normative power self-image; official EU statements underlined the EU role as a defender of universal human rights norms, a supporter and contributor to the HRC, and a partner for different external others. This role was also evident in the perceptions of EU policy-makers. According to EU and member states' interviewees, the EU has a clear normative value-basis and intentions at the HRC. Some EU experts characterized the EU as a "force for good" which fights against those (non-normative) others who aim to undermine the respect for human rights. According to some experts, the EU is promoting universal human rights even when this does not serve its interests. However, also several limitations for the EU role at the HRC were noted. Even if EU interviewees saw the EU as an influential player in the Council, they also underlined the need for realistic expectations. According to these experts, the EU is not perceived as a persuasive example by all the HRC participants. Hence, the EU's possibilities to lead by its example were considered to be more issue-related and dependent on other actors.

The HRC provides an interesting case for studying the ego part of the EU role, as individual EU member states have high importance in this context. It could be assumed that the attitudes towards EU cooperation and the forming of common positions would be quite different. However, the EU and member states' representatives who live in Geneva are likely to be quite socialized to accept the common EU approach as they live in the HRC "bubble". This is despite the fact that cooperation at different diplomatic levels is a rather new, post-Lisbon development in Geneva. Brussels and the capitals seem to be far away, and the sharpest disagreements do not end up at this level, partly explaining the rather coherent self-perception and high degree of unity. Hence, one interesting avenue for further research would be to examine perceptions of human rights experts serving in member states' capitals. This could be done by interviewing those civil servants who take part in the COHOM work in Brussels and prepare national positions and statements for the HRC. This could bring additional information to the relevance of the EU dimension for member states, as well as what kind of EU role member states would like to see at the HRC. The interviews suggest that the EUMS do have different emphasis on the Council's work, and behind the one voice approach more diverse national views could be detected. Some member states clearly prefer a more active EU role, and the delivery of strong human rights positions. Attitudes towards EU cooperation and common representation are different and often related to the national capacities of the EUMS to be active at the HRC. Much also depends on how the EU-delegation in Geneva succeeds in building trust,

enhancing cooperation, and serving the national priorities of different member states. In general, the external pressure probably makes the EU a more united and coherent actor at the HRC than it would otherwise be.

Hence, the external environment and domestic policies essentially precondition the EU's role and performance at the HRC. This leads to the question of how EU role conceptions will change as time passes. As the historical survey in chapter 5 demonstrated, the EU's role perception has been considerably stable at the Council, even if it has faced external opposition and difficulties. This would suggest that the adopted normative power role in the UN human rights machinery is closely associated with EU identity. Still the composition of the HRC can influence the EU's role conceptions, as can the agenda of the Council. On the one hand, some EUMS might find it more important to be active in the HRC when strong norm competitors raise their voices. On the other hand, they could be more willing to work through other channels if the HRC turns out to be too difficult a forum for the EU. Much also depends on the issues that the HRC has on the table. The EU shows high interest in some issues, while in others it does not even develop common positions. The EU's actual role performance at the HRC also feeds back to its self-perceptions and internal expectations. If the EU ability to attain its goals is weak and contradicts its self-perceptions, the EU may not feel too confident. This could lead to lower ambitions and profile. However, EU successes in controversial and difficult issue areas would not only increase the EU's credibility, but also its self-esteem at the HRC. After the economic crisis, skepticism towards the EU has increased among the European public and member states have been divided in some foreign policy issues. There have also been fears of the renationalization of EU foreign policy. However, according to my interviewees this is not reflected in EUMS attitudes at the HRC, and the atmosphere is rather cooperative. It is still likely that more general developments at the EU level will effect EU cooperation, financial issues and adopted priorities.

8.3 EU Role Performance: Does the EU Perform According to its Self-Image?

This thesis has underlined how EU role performance works as an important path to its legitimacy, and how this legitimacy also has key relevance for the normative power role. In order to receive legitimacy, the EU needs to act in coherence with its role claims. Hence, the normative power role of the EU is supported if the EU manages to behave according to its ambitious self-image. If there is much incoherence between the EU's words and actual performance, the credibility of its normative power role is lost. According to previous research, the EU is not an effective actor at the HRC, and it has not achieved what was expected from it. Instead, the EU has been considered to sometimes play a marginal, even outsider role at the UN human rights fora¹²¹⁷. This thesis problematized the concept of performance and introduced different perspectives for evaluating the EU's performance at the HRC. The EU's role performance was examined by looking at both its being and doing, through relevance, effectiveness, resource viability and efficiency. First, in order to be an actor that can perform a role, the EU needs to be recognized as an actor at the HRC. This is not self-evident as the member states also play an active role in the Council. On the basis of the interviews it was concluded that the EU is an increasingly relevant and visible player at the HRC, both internally and externally. EU relevance was further supported by the fact that internally, the EU is a highly effective actor,

¹²¹⁷ See Kissack 2010, 49; Basu 2012, 98; Smith K. 2010, Gowan & Brantner 2008.

providing common positions and consistency in voting. The EU's external effectiveness, namely its ability to reach its objectives, also seemed rather good. The EU has been successful in those resolutions it has initiated at the HRC. The active and visible engagement is consistent with the EU's words, and supports the normative power self-image of the EU.

However, if the EU's ability to contribute to the effectiveness of the HRC is considered, there are more reservations. As a normative power, the EU should be supportive of the UN and its human rights bodies. The EU has worked actively at the HRC, even when this has not served its interests. This would point to a commitment to multilateralism as an end in itself. The HRC would definitely look quite different without any EU output. Furthermore, the EU has empowered developing states and civil society organizations through finance, political and educational support. It has invited non-European human rights defenders to take part in the Council activities, and organized side events and cooperation meetings with human rights organizations in Geneva. The EU has also even engaged with more difficult actors, such as the OIC, in the HRC context and aspired to create more dialogue. This is why the EU has succeeded in some highly controversial human rights questions, such as the freedom of religion and belief. The EU has also promoted its priority issues, such as the rights of women and children. The promotion of country resolutions has always been challenging at the HRC, as some states have consistently opposed them. Despite the opposition, the EU has moved forward the UN agenda on the human rights situation concerning, for example, North Korea and Myanmar. Even if these cases have demanded several resolutions and a long-time perspective, they are able to show how the EU has challenged other states on their human rights violations. Another important HRC procedure, which points at human rights situations in individual states, is the UPR. There the EU member states have been highly active. These examples suggest that the EU has been able to contribute to the effectiveness of the HRC through its financial, diplomatic and normative resources.

There are also EU practices that do not serve HRC effectiveness in the best possible manner. EU unity often creates more bloc mentality in the Council as other actors aim to join their forces to counterbalance the EU's power. In this respect, some interviewees said that the EU would be more influential and efficient if it could promote human rights through individual EU member states¹²¹⁸. At the same time EU unity was considered to be an important precondition for EU success and visibility at the Council. Also the EU's incoherence in pointing to third states for their human rights violations makes the HRC country mandates imbalanced. The HRC ends up discussing the same country cases year after year, and some violations are never discussed. In this respect, the EU could create new country resolutions and widen the focus of the Council. Another way of improving the effectiveness of the Council would be to point to those issues that the developing countries find important. This could create more dialogue and cooperation among HRC members. However, the EU member states have found it difficult to agree on some economic and social rights questions as they usually include economic burdens for Western states. With its new Strategic Framework on human rights and the following Action Plans, the EU aims to improve its focus on these issues, especially at the HRC. Furthermore, the human rights approach towards EU development policy is also contributing to the implementation of these rights on the ground.

¹²¹⁸ EU interviews 3, 15, 19.

By adopting stronger and less compromising human rights positions, the EU would show its firm commitment to human rights. At the same time such an approach would make the HRC divisions more apparent and decrease its effectiveness as a global human rights forum. Less compromising EU positions would probably be detrimental for the EU's influence, and lead to a situation where both the HRC and the EU are on the losing side¹²¹⁹. Hence, the EU faces a dilemma, as the normative power role prioritizes engagement and dialogue, but the EU should, according to this role, also be a strong advocate of human rights. The challenge for the EU is to match its multilateral vocation with strong human rights positions, and find ways to improve in both respects. As Macaj and Koops conclude, the HRC seems to be a case for "inconvenient multilateralism" for the EU¹²²⁰. The important question is if the EU can find the motivation to put forward more compromising positions, which may plant the seeds for cross-regional cooperation, but represents lower standards for the EU. According to some EU interviewees, such an attitude could really increase the HRC effectiveness and EU popularity among its others¹²²¹. However, this is not necessarily the case. Many of the interviewed human rights organizations were critical towards a softer EU approach at the HRC¹²²². If the EU lowers its ambitions, its credibility as a human rights power diminishes in the eyes of those actors who have high expectations concerning EU action.

Finally, EU performance must also be evaluated in relation to its vast resources and ambitious self-image. After the Lisbon treaty, the EU has aimed to improve its efficiency with institutional changes and by adopting a more strategic approach to human rights questions at the UN. However, the EU does not seem to be a very efficient actor at the HRC when its potential is compared to the achieved results. One explanation is that the EU accepts some level of inefficiency as it spends a lot of time in internal negotiations. This hindrance could be decreased through better planning and cooperation already at the Brussels level. The EU-delegation in Geneva could also improve EU cooperation, but so far it has had rather restricted resources, for example, in comparison to big EU member states. However, according to the findings of this thesis, the EU is actually playing a more prominent role at the HRC than previously thought. There are several possibilities to explain the EU's better performance. One of the major problems of the previous studies has been that they concentrate on EU voting records at the UN human rights fora. As this thesis has argued, voting records do not tell the whole truth about the EU's influence, and may lead to biased conclusions. This is first of all because voting occurs rather rarely at the HRC, as less than quarter of the resolutions need voting. Secondly, differences in voting outcomes may reflect other reasons for disagreement, and they cannot be solely interpreted as EU failures. According to one EU interviewee, if the HRC resolution ends up being voted on, it already means EU failure¹²²³. Often disagreements in the final phase of resolutions reflect communication problems between HRC participants. The EU has objected to adopted resolutions rather seldom, and the difference between the EU and the US is striking. This could suggest that EU negotiators have really succeeded in their efforts during the processes. Hence, when EU performance at the HRC is evaluated, not only EU doing, but also EU being, needs to be taken into account even if its explicit evaluation is often difficult. In this respect, the interviews among

¹²¹⁹ See different scenarios for the interaction between the EU and multilateral organizations, Kissack 2010, 141.

¹²²⁰ Macaj & Koops 2011, 74-75.

¹²²¹ EU interviews 5, 6, 10, 14, 23.

¹²²² External interviews 7, 8, 16, 28, 34, 36, 38.

¹²²³ EU interview 14.

HRC participants may be highly beneficial. One likely explanation is also that the EU's role possibilities at the HRC have changed after 2011. This might be a consequence of the changing world political situation, which has affected the working dynamics at the HRC and created new opportunities for the EU. At the same time, the EU has also developed its own approach to human rights, which aims to increase EU effectiveness and efficiency in multilateral human rights forums. Hence, both internal and external preconditions may explain EU role development.

8.4 External Perceptions: Normative Power Role Contested?

Research on the EU's possible normative power role in the world has rarely incorporated the external perspective¹²²⁴. This is strange because at the same time the importance of external recognition and acceptance of this role has been underlined. For example, according to Aggestam and Keene, normative powers are only those actors who are recognized as such by others¹²²⁵. This thesis adopted the role theory framework, which draws attention to the co-constitutions of EU roles with several external others. By taking into account the alter side of this role, it is possible to achieve a more comprehensive and realistic image of the EU role at the HRC. External perceptions may also partly explain the impact and effectiveness of the EU, and hence, they are highly relevant for policy-makers. Previous research on normative power recognition has pointed to a limited, if yet identifiable, external perception of the EU as a normative power, for example depending on the geographical area¹²²⁶. However, vast empirical studies that would point to external perceptions of the EU as a normative power in specific international institutions are still missing. In this sense, this thesis has provided important empirical insights concerning the perceptions of this more particular normative power role of the EU in one global institution, the HRC.

Chapter seven studied the external perceptions of the EU's role among different others, such as other UN member states, human rights organizations and the HRC Secretary. The EU's normative power role recognition was noted as being mixed; some elements of this role were apparent, while others were contested. The EU's image was also different among different groups. Tensions between role prescriptions at the HRC could be explained through normative closeness to the EU's values and through power relations. However, there were also interesting similarities noted by most interviewees. The first important thing is that most interviewees praised the European system of human rights protection and promotion. In this respect the EU was often seen as able to "lead by example and model" at the HRC. As one interviewee said: "the EU is a superpower of values"¹²²⁷. However, the EU's example and possible leadership at the HRC also faces several challenges. Some interviewees mentioned how the EU and its member states also promote other interests at the HRC. In this sense, the EU action is not seen as purely normative. Developing countries and EU opponents accuse the EU of several inconsistencies. The different treatment of third states was noted to be highly

¹²²⁴ Chaban et al. 2013 study it only as one aspect of general recognition of the EU, Larsen 2014a aims to collect the data from different studies in order to provide some information on normative power role recognition. Björkdahl et al. (eds.) 2015 study in more detail how the normative power of the EU is perceived in different parts of the world through several case studies. However, their attention is more on the norm-taker's side and in the conceptualization of interactions between norm-maker (the EU) and different norm-takers.

¹²²⁵ Aggestam 2013, 465; Kavalski 2013.

¹²²⁶ See Larsen 2014a, 897.

¹²²⁷ External interview 24.

problematic, diminishing the credibility of the EU agenda. The EU's way to lecture to others and apply human rights conditionality were decreasing its persuasiveness among those actors, who often are the targets of EU sponsored resolutions. Furthermore, the EU's reluctance to deal with its own problems was deteriorating its dialogue with others. If the EU refuses to talk about its own problems at the HRC, other actors are less willing to share their problems. In the eyes of many human rights organizations, the EU could be the leader of the Council, but it shows reluctance to lead. In this respect it has not achieved what they have expected. The EU seems to lack a clear vision or strategy of how things should proceed, which also makes cooperation with it rather difficult. The EU's allies and likeminded countries found it hard to understand the EU and its internal processes and division of leadership. Furthermore, the HRC secretariat does not find that the EU supports the UN on each and every occasion. Even if the EU is investing a lot in the HRC, it could be more supportive. As a conclusion, these perceptions contest the EU's self-image as a normative power.

The third important element of the EU's normative power role examined was its difference in comparison to other actors. Lucarelli has underlined the need to adopt a comparative perspective when studying external perceptions¹²²⁸. For the normative power role, the making of difference between the EU and the US has been highlighted¹²²⁹. My findings show that the EU and the US really do have different images at the HRC, despite the change in US attitudes towards the Council since 2009. Even if these two share a liberal interpretation of human rights and are eager to use moral argumentation, their methodologies to promote rights were considered to differ by all the studied external groups. According to many external others, the EU is a more cooperative, engaging and non-coercive partner, which respects the UN and its procedures. However, drawing the difference between the US and the EU has two sides; external actors underlined the less political and honest nature of the EU's human rights policy, but they also pointed to the ineffectiveness of the EU approach in comparison to the US. The US was appreciated because it was seen as able to win tough cases. The EU was perceived as reluctant to deal with difficult cases. However, strong positions and pressure against other actors also make the US a less normative actor in the eyes of others. The active engagement of the US is also a possible threat for the EU's aspirations to play a leading role. As one interviewee said: "there cannot be two lions in a jungle"¹²³⁰.

This research also tackled the important, yet understudied, relation between perceptions of the EU and images of Europe¹²³¹. In the eyes of others, this difference was not necessarily evident or clear. If the EU's normative power role is related to the European human rights regime and institutions, it is not an outcome of EU action. The future EU accession to the European Convention on Human Rights, demanded by the Lisbon treaty, could make this division even more difficult. The issue of human rights protection within the EU has gradually become more important, in particular in the last twenty years. This has had clear consequences for the EU's external human rights role and agenda. However, according to external perceptions, the normative power role would still refer to wider Europe. At the HRC, for example, Switzerland and Norway, both non-EU states, enjoy respect in the eyes of many external actors, in particular from the Global South. Their positive roles at the HRC

¹²²⁸ Lucarelli 2013, 439.

¹²²⁹ See for example Kagan 2003, Smith M. 2011b.

¹²³⁰ External interview 10.

¹²³¹ Lucarelli 2013, 439.

may even be facilitated with the less flexible and slow EU approach. Hence, there might also be role competition between the EU and other European states. In this respect Russia is also an interesting player in the Council context. Russia has increased the use of human rights language in its foreign policy. Some of the Russian sponsored resolutions at the HRC, such as the protection of Roma, arbitrary deprivation of nationality, and protection of the family¹²³², are problematic from the EU perspective. These quite clearly point to problems in the EU region or promote a different interpretation of human rights. Another issue is that Russia cooperates with EU opponents, such as Cuba, Venezuela and Belarus instead of European countries. However, even if Russia has been a member of the HRC, it has not sponsored many resolutions. The actions of Russia still contest the EU's normative power role self-image, and promote an alternative vision at the HRC.

Finally, external others also noted some non-European or non-Western role competitors for the EU at the HRC. In particular, the role of Cuba was seen as important, as it counters Western dominance in human rights issues. Cuba has been highly active at the HRC sponsoring many resolutions pointing to economic, social and cultural rights¹²³³. All of these resolutions promote an alternative and sometimes even contradicting HRC agenda when compared with the EU objectives. The Cuban resolutions also achieve the wide support of the developing world. Besides Cuba, other regional leaders from the African Group, the OIC and the NAM are also likely to support such an agenda. These actors also point to racism, racial discrimination, xenophobia, and violent extremism, all difficult topics for the EU. If the EU aspires to compete or cooperate with these actors, it should strengthen its focus on those questions other participants at the HRC find dear. The EU may search for common ground with these actors, as it increasingly points to ESC rights, as well as racism and anti-discrimination in its Action Plans on Human Rights and Democracy 2015-2019. This suggests that external perceptions do have remarkable influence on EU roles and role-playing. However, the interaction between the ego and alter perceptions and its possible consequences for the EU role performance are likely to take time.

8.5 Limitations of the Thesis

The empirical part of the thesis concentrated on studying perceptions of the EU and non-EU human rights experts. It must be acknowledged that such a perspective includes several problems and methodological limitations. How should perceptions be studied in the first place? One option is to concentrate on the official documents and statements about the EU. However, official rhetoric often serves particular ends and is pointed to particular audiences, and does not necessarily reveal more interesting issues behind the scenes. That is why I decided to look at perceptions of those policy-makers who are actively participating in the work of the HRC. The first challenge is the reliability of the perceptions that were given in the interviews. As several states' and organization's representatives found it a politically highly sensitive topic, their expressed opinions can be rather careful, and as such

¹²³² The resolutions sponsored by other states can be easily examined through the new HRC Resolutions Portal updated by the Universal Rights Group. The Portal is available at <http://www.universal-rights.org/>.

¹²³³ For example the right to food, effects of foreign debt, promotion of a democratic and equitable international order, human rights and international solidarity, promotion and protection of the human rights of peasants and other people working in rural areas, promotion of the right to peace, and promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity.

do not reflect all their concerns. The EU interviewees might find it inappropriate to criticize EU cooperation, other EUMS or the EU-delegation, and the process in which common positions are formed. External perceptions may also be, instead of opinions, more politically motivated statements about the EU. Secondly, perceptions are subjective and do not necessarily correspond with the official statements of the other (state, organization) in question. In this respect, the anonymity of the interviews, which was essential for getting them in the first place, made it impossible to explicitly compare the given external perceptions with the official statements made by these actors at the HRC. However, these interviews were able to go beyond the official rhetoric and reveal insights of those persons working with the EU.

Even if this thesis succeeded in examining the perceptions of several external EU others at the HRC, it needs to be noted that many important actors refused to take part in this study. This could be considered as a problem of representativity. The perceptions of the US, and many other visible HRC participants such as Cuba, Brazil, South Africa and Norway are missing. The reason for refusals was that the actors in question did not find it appropriate to comment on another actor's performance. These particular refusals could suggest that the EU is an important partner or opponent for these states. I also noted that individual human rights experts often needed the permission to speak from their ambassadors. Hence, the diplomatic traditions and rules might make it difficult to collect such data. Besides the interviewed states, some important states, such as China and India, would have been interesting cases, as well as many Middle Eastern states. The perceptions of these others could have contributed important insights to this research. In particular, how the EU is perceived in Israel and Palestine as the EU has often been divided in this case at the HRC. However, a few actors from each group (allies, moderates, developing states and opponents) were successfully included, which is likely to reveal at least some general features of external perceptions. Furthermore, many human rights organizations are included and their views carry high relevance. These more independent actors are able to provide more critical insights of the EU's role, as they do not have diplomatic restrictions for presenting their views. The problem with NGO interviews was that some of them were general human rights organizations, while others worked in a more specific issue area. This might have effects on their perceptions of the EU.

This thesis concentrated on the more specific EU role as a normative power in a more particular context, the HRC. In this respect, its abilities to reflect the wider perceptions of the EU's role are limited. However, it may give some important ideas of how the EU is perceived in a more global UN context. Several interviewees were also working in other international institutions in Geneva and they had wider experiences of EU action. Also several EU interviewees had experience from other UN locations, such as New York. As this thesis has claimed, external perceptions may help to reconstruct the EU's global identity and role in human rights. The interaction between the ego and alter perceptions of the EU's role is an area not yet much studied¹²³⁴. However, for the normative power role, research on this interaction would be highly valuable and interesting. This idea in mind, I gave a presentation at the EU-delegation in Geneva on the external perceptions of the EU role at the HRC¹²³⁵. The idea was to see the reactions of EU experts, and discuss their possible effects on the

¹²³⁴ Lucarelli 2013, 439.

¹²³⁵ I was invited to give a presentation on my main results by one of the human rights experts of the EU delegation. This presentation was organized in the EU-delegation meeting room in 2.12. 2014.

EU's self-image. The EU-delegation had tried to study the external perceptions of the EU in the summer of 2013, which supported the idea that the EU is interested in finding out what others think about it¹²³⁶. Openness to other's opinions and difference could be considered as an important feature of the normative power role¹²³⁷. The claim that the EU is a "deaf global power"¹²³⁸, did not appear to be true in this case. However, the extent to which external perceptions become significant in developing self-perceptions varies, and different others carry different relevance for the EU. In addition, the political atmosphere may also influence the EU/EU member states' willingness to give space for others' views. According to my experience, others' perceptions of the EU raised various reactions in member state representatives. Some human rights experts were really concerned about the critical views, while others thought that these opinions do not have real relevance. It is impossible to provide general conclusions about how the external perceptions affect the EU's role at the HRC in this thesis, as it would demand more research. However, this could be an interesting idea for future research on the EU's role at the HRC. The event provided some general ideas for the creation of different future alternatives or scenarios¹²³⁹ for the EU. These are outlined in the next section.

8.6 The Future Role of the EU at the HRC

This thesis has underlined the importance of looking at different aspects of actor's roles; self-perception, role performance and external perceptions. The findings point to different potential EU human rights role scenarios. The probability of these scenarios depends on internal EU dynamics as well as on the external environment and other actors. In this last section three alternatives scenarios are presented, based on the insights provided by the interviewees.

- 1) The EU becomes an increasingly *marginal* actor in human rights even if it desperately continues to repeat its leadership aspirations in various global human rights forums. This is speeded up by the EU's stubborn attitude to proclaim that it represents the only true interpretation of human rights in the world¹²⁴⁰. The EU also lectures to others and concentrates on accusing them of human rights violations. At the same time the EU refuses to talk about its own problems.¹²⁴¹ The EU is in trouble with the inconsistent views of its member states, which do not find motivation to promote a common EU approach, as this provides only minimal standards and the lowest common denominator position¹²⁴². Some of the large EU member states develop more independent relations with third countries. External others notice the predominant position of these EUMS and aim to work through them, rather than through the EU-delegation.¹²⁴³ Externally the EU seems to be ever more divided with open rifts on issue questions, which cause splits in the HRC voting. The EU has also become deaf to the external perceptions of its action, as these only represent the views of arrogant and politically

¹²³⁶ However, this attempt, organized during a morning meeting with some EU partners did not succeed, as external partners were reluctant to discuss the matter (EU interview 22).

¹²³⁷ Smith M. 2011b, 129.

¹²³⁸ Lucarelli & Fioramonti 2010, 2.

¹²³⁹ If social sciences are to be relevant, they should be able to say something about the possible or likely futures, see Patomäki 2006.

¹²⁴⁰ External interviews 3, 6, 19.

¹²⁴¹ External interviews 4, 7, 11, 14, 16, 18, 22, 24, 25, 30.

¹²⁴² External interviews 5, 6, 8, 14, 15, 16, 17, 20, 21, 24, 27, 28, 33, 36.

¹²⁴³ External interviews 7, 9, 12, 13, 19, 20, 21, 26, 29, 38.

motivated human rights violators¹²⁴⁴. However, EU opponents succeed to persuade better third countries and the objection of EU positions is on the rise¹²⁴⁵. Cooperation with the UN has diminished, as the EU is suspicious towards its mechanisms and mandate holders, which produce different outcomes than the EU would prefer. The UN perceives the EU way to finance its mandates as unfair as the EU supports only those initiatives, which it has suggested itself or which it can control effectively.¹²⁴⁶ Finally, cooperation with the civil society remains a priority for the EU in principle, but the EU does not respect dialogue with NGOs. Meetings with these organizations consist mainly of EU speeches and declarations of priorities without any dialogue.¹²⁴⁷ Because of economic austerity in the EU member states, further reductions to its aid for human rights protection have been implemented¹²⁴⁸.

- 2) The EU role in global governance of human rights remains rather unchanged. The EU continues to develop its approach incrementally, and also aims to respond partly to the external expectations for its action. It accepts the resistance towards its positions, and aspires to work in a more constructive manner with its different others. However, this does not lead to any major debates or new issues on its agenda¹²⁴⁹. At the same time, EU member states continue to disagree, for example, on economic and social rights questions, and as a result, a proper EU approach cannot be developed¹²⁵⁰. Member states are also reluctant to carry responsibility for more controversial human rights questions or country mandates. These are left for the EU-delegation, which is already fully employed with the tasks under its responsibility.¹²⁵¹ The role of the EU-delegation remains unclear; some member states have suspicions towards it and aim to undermine its relevance, while others are satisfied with its work¹²⁵². However, because the EU-delegation is not properly resourced for the increasing tasks of the HRC, it is only able to provide moderate outcomes. Competent human rights experts are not willing to work in the delegation, as the work is highly demanding and criticized from several directions¹²⁵³. Also, because of the scarce resources the delegation must lean on the help of big member states, who are then more able to upload their preferences to the EU approach. The EU is an influential actor at the UN, but its approach continues to suffer from several inconsistencies and incapability, which undermines its credibility.
- 3) The EU achieves a *leading* role in human rights. The EU adopts dedicated approach to its external human rights policy and acknowledges its major challenges. The work started in 2012 to renew the EU approach leads to continuous self-reflection and evaluation, which is further supported by scholarly contributions and research. The EU also regularly checks what other actors think about its policies and aims¹²⁵⁴, and openly discusses the future challenges already in Brussels. This leads to more frequent meetings of the COHOM, and also active

¹²⁴⁴ This view clearly represents the attitude among some EUMS representatives.

¹²⁴⁵ External interviews 4, 6, 13.

¹²⁴⁶ External interviews 9, 11, 15, 18, 25.

¹²⁴⁷ External interviews 7, 8, 33.

¹²⁴⁸ External interview 10.

¹²⁴⁹ External interviews 6, 7, 8, 21, 28, 34, 36.

¹²⁵⁰ EU interviews 7, 13, 20, 23.

¹²⁵¹ EU interview 18.

¹²⁵² EU interviews 3, 11, 15.

¹²⁵³ EU interviews 3, 15, 17.

¹²⁵⁴ EU interviews 4, 5, 6, 8, 22.

collaboration between various EU actors related to external human rights work. The EU's focal points for human rights in different EU-delegations around the world are able to provide reports and information on the local situations of human rights. They can also assist and protect human rights defenders already in their own countries. Furthermore, the improved structures created for cooperation with civil society work as an efficient extra information provider for the EU.¹²⁵⁵ As a result, the EU is able to produce more tailor-made human rights approaches to different locations, and able to answer the expectations of local partners. The EU's efforts to mainstream its human rights approach to other foreign policy areas are further developed, and this move decreases EU inconsistencies. Better coherence between different foreign policy areas is considered an important aim, and the EU works to achieve this reality. Human rights protection and promotion forms a priority for the EU, and other policy concerns must face this fact. Better coherence also increases EU credibility in the eyes of other actors¹²⁵⁶. The overall relevance of human rights is increased in the EU's foreign policy approach and the EU-delegation in Geneva is provided with additional resources. The EU also finds it important to inform the general public about its achievements at the UN and improve its image. This kind of move also convinces member states and their motivation to find more principled common positions in human rights increases¹²⁵⁷. Member states also develop more efficient mechanisms for informal EU cooperation. Because of the increased internal efficiency, the EU has more time for external outreach¹²⁵⁸. The EU works actively to convince its allies and moderate partners, but also builds bridges in less self-evident directions¹²⁵⁹. In the eyes of external others, the EU works as a united front, delivers one message but also offers several points of contact for external partners.

As a final remark, it could be mentioned that all of these scenarios are possible in the future, because the future is essentially open for different possibilities¹²⁶⁰. Because roles are always constructed in specific temporal moments, these scenarios need to face some challenges, but also windows of opportunity. This is clearly how the EU's role in human rights has developed so far, as this thesis has demonstrated. However, the likelihood of these scenarios depends on both EU action and the external environment. On its own part, the EU itself plays a key role in influencing what its future in human rights will look like. In this respect, it must deliberate on how its own action will contribute to the realization of the different possibilities. The EU has clearly aimed to move forward with a new approach to human rights promotion, which better acknowledges the previous mistakes and future challenges. Only time will show how effective the EU is in the implementation of its new strategy. The normative power role would underline the need for self-reflectiveness and the taking into account of other's perceptions. Most importantly, as roles are constructed in cooperation with other actors, it is crucial to take their opinions and perceptions seriously. The best possible option is that these perceptions work as important construction material for EU identity and its future role in human rights.

¹²⁵⁵ External interview 5, 23, 24, 28, 32, 34

¹²⁵⁶ EU interview 1 & External interview 22

¹²⁵⁷ EU interview 6, 15.

¹²⁵⁸ EU interviews 16, 18, 21, 23.

¹²⁵⁹ External interview 1, 3, 6, 23, 26, 33, 39.

¹²⁶⁰ Patomäki 2006.

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APPENDIX 1: Internal Interviews

Interview themes (with some additional questions):

1. National/EU perspectives to HRC
 - why the HRC is important forum for the EU?
2. EU coordination and coherence
 - how EU coordination works?
 - different roles of EU participants
 - is the EU coherent actor/are there internal tensions?
3. Roles of the EU in the HRC
 - what roles does the EU play?
 - does the EU differ from other actors? If, how?
 - the EU is often presented as a normative power, based on ideational factors rather than coercive power. What thoughts does this bring to your mind?
4. EU power and influence in the HRC
 - Do you find the EU influential at the HRC?
 - How EU influence is affected by other actors?
5. Changes in the EU position at the HRC
 - How internal/external factors influence EU position
 - Future of the EU at the HRC

List of internal interviews

number	time	actor type
1.	26.2.2013 13-14	COHOM participant
2.	8.4. 9.15-10	EUMS
3.	8.4. 11.30-12.30	EUMS
4.	8.4. 13-13.45	EUMS
5.	9.4. 9.30-10.20	EUMS
6.	9.4. 14-15	EUMS
7.	10.4. 8.30-19.15	EUMS
8.	10.4. 10-11.50	EEAS, group interview with 2 participants
9.	10.4. 12-13.15	EUMS
10.	10.4. 13.30-14	EUMS
11.	10.4. 15-16.10	EUMS
12.	11.4. 9.30-10.30	EUMS
13.	11.4. 11-12	EUMS
14.	12.4. 9.30-10.30	EUMS
15.	12.4. 11-12.15	EUMS
16.	12.4. 14-14.35	EUMS
17.	5.6. 10-11.10	EEAS
18.	5.6. 11.10-11.55	EEAS

19.	5.6. 12.30-13	European Parliament (MEP)
20.	30.9. 16.30-17.15	EUMS
21.	1.10. 15.10-16.10	EUMS
22.	3.10. 10-10.40	EEAS
23.	3.12. 2014 14-15	EUMS

Participating Countries (17) were: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Latvia, Netherlands, Poland, Portugal, Spain, Sweden, Romania, UK

From the EEAS I interviewed (5) people responsible for human rights issues in Geneva (EU delegation human rights unit) and Brussels (EEAS human rights section)

Other interviewees include persons working at the COHOM and European Parliament

APPENDIX 2: External Interviews

Interview themes:

1. Human Rights in EU foreign policy
2. EU unity in the Human Rights Council
3. The role of the EU delegation/ EU member states
4. EU role and influence in the HRC
5. EU as a normative power; human rights aims and means
6. Factors that decrease/increase EU influence
7. Consequences of internal EU changes for EU role
8. Future perspectives to EU role at the HRC

List of interviews

number	time	type
1.	3.4.2013	state
2.	6.4.2013	state
3.	11.4. 14-15	regional organization
4.	11.4. 16-16.30	state
5.	17.9. 17.20-18.10	human rights organization
6.	30.9. 14-14.30	state
7.	30.9. 15-15.40	human rights organization
8.	1.10. 10-10.40	human rights organization
9.	1.10. 14.30-15	state
10.	2.10. 10-10.40	state
11.	2.10. 11-11.30	state
12.	2.10. 12.10-13	state
13.	2.10. 14.40-15.45	state
14.	3.10. 13-13.40	state
15.	3.10. 16-17	OHCHR
16.	3.10. 17.15-18	human rights organization
17.	4.10. 9.15-9.45	state
18.	4.10. 10.15-11.15	state
19.	4.10. 16.30-17	state
20.	4.10. 17-17.40	state
21.	12.11. 14-14.45	state
22.	12.11. 15-15.40	state
23.	12.11. 16-16.50	human rights organization
24.	13.11. 9.-9.45	state
25.	13.11. 10.30-11.15	OHCHR
26.	14.11. 10-11.00	state
27.	14.11. 12-12.40	state
28.	14.11. 15.30-16.00	human rights organization

29.	14.11. 16.60-17.20	state
30.	15.11. 13-13.45	state
31.	6.11. 2014	human rights organization
32.	3.12. 10-10.45	human rights organization
33.	3.12. 11-11.40	human rights organization
34.	3.12. 13-13.45	human rights organization
35.	10.12. 11-11.20	state
36.	11.12. 17.15-17.35	human rights organization
37.	16.12. 10.35-10.55	state
38.	17.12. 15.30-16.00	human rights organization
39.	18.12.	human rights organization
40.	19.12. 11.15-11.45	OHCHR

Participating human rights organizations (13) were: ARC International, Amnesty International, Cairo Institute for Human Rights Studies, CIVICUS World Alliance for Citizen Participation, Conectas, East and Horn of Africa Human Rights Defenders Project, Forum-Asia, International Federation for Human Rights, International Service for Human Rights, Human Rights House Foundation, Human Rights Watch, Universal Rights Group, Women's International League for Peace and Freedom (WILPF).

Participating countries (23) were: Angola, Australia, Bangladesh, Botswana, Burkina Faso, Canada, Chile, Costa Rica, Gabon, Ecuador, Egypt, Indonesia, Island, Kenya, Maldives, Mexico, Pakistan, Peru, Republic of Korea, Republic of Moldova, Russia, Sri Lanka and Switzerland.

From the OHCHR I interviewed persons working in Human Rights Council and Special Procedures Division.

APPENDIX 3: Example of coding frame

In qualitative content analysis, coding frame presents a way to organize the data and to avoid getting confused in the analysing process. Codes are organized in a hierarchical manner as there are both main categories and subcategories. These categories are part concept-driven and part data driven. In my coding frame the main categories consist of the main interview themes, outlined in appendix 1 and 2 of the thesis. These helped me to focus on specific issues in the interviews. Subcategories are mainly data-driven and they concentrate on what was told about these themes. In this example subcategory definitions (in bold) are followed by empirical examples from the interviews.

Main category 6: Factors that decrease/increase EU influence at the HRC

Decreasing factors:

EU internal:

internal EU dynamics (acting as a group with only one representative/speaker, internal EUMS disagreements, EU unity, the EU acts as one bloc but with a price, time-consuming internal negotiations, internal EU dynamics, internal divisions, MS compete and contradict with each other, which EU states are HRC members, lack of transparency, acts in secrecy, behind the curtains, other actors cannot influence EU internal negotiation process, packing EU positions)

communication and negotiation skills (pushing others to accept its views, no mood for compromises, exclusion of others from its decision-making processes, ways to communicate with others, blaming others and pointing at their problems, lecturing for others, showing no empathy, imposing its positions on others, representing itself as the moral high ground, eager to see opposition in others)

political problems (focusing on political approach to human rights, focusing on economic priorities, strong national interests of some EUMS, economic interests come first, the EU does not act coherently, double standards, economic crisis in the EU, close relations with the US, driving too forcefully sensitive issues, lack of leadership, no clear positions on issues, historical reasons like colonialism decrease EU influence, EU conditionality, takes passive positions, not active, lowest common denominator positions)

human rights related challenges (selective approach to human rights problems/country cases, does not find interest to promote some human rights issues, extreme HR positions, driving always same human rights topics, too little attention given for ESS –rights, no strong ownership in some cases like Libya, the EU does not talk about its own problems at the HRC)

EU external:

Dividing HR issues at the HRC (traditional rights, women's rights, freedom of religion, Israel-Palestine case, cultural value differences, racism, right to development, sexual orientation, gender roles, marriage and family issues, individual-collective rights)

composition of the HRC and behaviour of other actors (architecture and membership of the HRC, other powerful players/states/blocs, the US positions and re-election to the Council, popularity and visibility of Norway and Switzerland, the EU does not have allies, group solidarity, growing activity of some Arab countries, weakness of non-EU missions, especially developing Asian and African countries)
Global political context (migration, economic crisis, defence of state sovereignty, lack of support for human rights defenders, UN as a global institution, power politics, relative decline of the EU in global politics, universality of human rights has become more challenged)

Increasing factors:

EU internal:

unity and coherence (acting coherently and consistently, EU unity as a bloc, united in voting, has many voices to support positions, role of the EU delegation in bringing coherence, continuity and leadership, finding balance between values and interests)
living by example (the EU's own human rights practices, when it "lives by example", acts in a principled manner, efficiency, capable persons/human rights experts, expertise, well-prepared initiatives, honesty in human rights issues, pointing strongly on difficult human rights questions, progressive human rights actor, deals with all kinds of issues, defends principles and the UN, does not compromise its values, number of initiatives and positions at the HRC)
capability to co-operate and negotiate (sharing its views with other actors, searching for cross-regional initiatives and cooperation, dialogue, willingness to compromise and cooperate, flexibility, moderate positions, burden-sharing with others, bilateral relations to other countries especially to former colonies, gives space for civil society organizations, economic power and incentives for other states, supports the UN and its procedures)
position in the world (economic power, resources to influence, possibility to use conditionality in relation to weaker parties, structural "master position", others actors dependence on the EU, power of discourses, able to act as a bridge-builder, special relations to many countries, funding for the UN)

EU external:

willingness to co-operate with the EU (WEOG cooperation, cross-regional initiatives at the HRC, Grulac supports the EU views, other states want to get the EU on board, many like-minded states, support for the UN, the EU helps capacity building in other missions, good cooperation between the EU and the AU)
difficulties of other actors (lack of unity in other actors, strong positions of the US, UN dependence on EU funding, decreasing influence of the OIC after the Arab spring, NGOs willingness to cooperate with the EU)
changes in political context (Arab spring, new actors and issues at the HRC, collective answers to crises)

